SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 27, 2005

8:30 A.M.

(PAGES 7749 THROUGH 7807)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 7749

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney 1112 Santa Barbara Street
Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A. MESEREAU, JR., ESQ.
-and- SUSAN C. YU, ESQ.
1875 Century Park East, Suite 700 Los Angeles, California 90067
-and-
SANGER & SWYSEN
BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C
Santa Barbara, California 93101

I N D E X

Note: Mr. Sneddon is listed as "SN" on index.
Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A" on index.
Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on index.
Mr. Sanger is listed as "SA" on index.

PLAINTIFF'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
MOSLEHI, Hamid 7752-M (Contd.)				

Santa Maria, California
Wednesday, April 27, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE JURY: (In unison) Good morning.
THE COURT: Counsel, you may proceed.
MR. SANGER: Can we have just one second,
Your Honor, for a technical matter?
MR. MESEREAU: Thank you, Your Honor.

HAMID MOSLEHI
Having been previously sworn, resumed the
stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Good morning.
A. Good morning.
Q. Mr. Moslehi, yesterday you mentioned that
you had decided to give Janet Arvizo a $2,000 loan
on approximately February 19th, 2003, right?
A. That's correct.
Q. And you said you did that based upon a phone
conversation with Ms. Arvizo that lasted about 25
minutes, right? 7752

A. That's correct.
Q. You didn't give her the actual check till the next day after you had filmed the Arvizo family in what is often referred to as the rebuttal portion, right?
A. Towards the end of it, after the interview, yes.
Q. Yes. Now, obviously, if you were filming the Arvizo family in that tape, you heard what Janet was saying, correct?
A. Oftentimes I wasn't paying fully attention to what she was saying because I was mostly concerned about, you know, lighting, camera, that kind of stuff. But, yeah, I heard some.
Q. But you heard a number of the things that Janet Arvizo said in that footage, correct?
A. Some, yes.
Q. And did you hear her saying words to the effect that her family had been spat upon and abused and not treated properly by various people?
A. I believe so.
Q. And would it be accurate to say that your phone conversation with her the previous day plus what you heard her say in that tape-recording influenced you to give her $2,000?
A. In some effect, yes.
Q. Okay. Now, in your phone conversation with Ms. Arvizo on February 19th, 2003, did she ever tell 7753

you that she was living with and being supported by
a Major Jay Jackson?
MR. AUCHINCLOSS: I'll object as assumes
facts not in evidence. Compound, as well.
MR. MESEREAU: I'll rephrase it if the Court
would like.
THE COURT: All right.
Q. BY MR. MESEREAU: When Ms. Arvizo on the
19th of February 2003 in your approximately
25-minute phone conversation discussed her financial
situation, did she ever tell you she was living with
Major Jay Jackson?
A. I don't remember her making a comment as far
as where she lives and who she lives with.
Q. In that conversation, did she ever tell you
that she was being supported by a Major Jay Jackson?
MR. AUCHINCLOSS: I'll object as assuming
facts not in evidence.
MR. MESEREAU: Strictly a question.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: Um, did she mention whether she
lives or being supported by Jay Jackson?
Q. BY MR. MESEREAU: My first question was, did
Janet Arvizo in your phone conversation on February
19th, 2003, ever mention to you that she was living
with a Major Jay Jackson, and I believe you said,
□No.□ 7754

A. I believe -- I don't remember having that conversation.
Q. My next question is, in that same phone conversation did Janet Arvizo ever mention that she was receiving any financial support from a Major Jay Jackson?
A. I don't remember having that conversation.
Q. In that phone conversation, did Ms. Arvizo ever mention that her family had obtained an approximately $152,000 settlement from J.C. Penney?
A. No.
Q. In that phone conversation, did Miss Arvizo ever mention that her family had received any money from fund-raisers at The Laugh Factory?
A. No.
MR. AUCHINCLOSS: I'll object and move to strike, as to the last question, as vague as to time.
THE COURT: Overruled.
Q. BY MR. MESEREAU: In that phone conversation of February 19th, 2003, did Ms. Arvizo ever mention that any celebrities had at any time given her family money?
MR. AUCHINCLOSS: Objection; vague as to time.
THE COURT: Overruled.
THE WITNESS: Do I answer? No.
Q. BY MR. MESEREAU: And in your phone 7755

1 conversation on February 19th, 2003, did Ms. Arvizo
2 ever mention that she had set up a bank account for
3 the benefit of her son Gavin from which she withdrew
4 thousands of dollars?
5 MR. AUCHINCLOSS: Objection; assumes facts
6 not in evidence.
7 THE COURT: Sustained.
8 Q. BY MR. MESEREAU: In that phone conversation
9 on February 19th, 2003, did Ms. Arvizo ever mention
10 that she had set up a bank account for the benefit
11 of her son Gavin?
12 A. No.
13 Q. And in that same phone conversation, did she
14 ever mention that her family had ever obtained any
15 vehicle from Michael Jackson?
16 A. No.
17 Q. Did she ever say in that phone conversation
18 any benefits, financial or otherwise, that she or
19 her family had received from Michael Jackson?
20 A. No.
21 Q. Did she ever say anything about someone
22 named Louise Palanker giving the family $20,000?
23 A. No.
24 Q. Did she ever say anything about Fritz
25 Coleman, a newscaster in Los Angeles, trying to
26 raise money for the family?
27 A. No.
28 Q. Did she ever say anything about Chris Tucker 7756

giving $2,000 to the family?
A. No.
Q. Did she ever say anything about Chris Tucker giving the family the use of a vehicle at any time?
A. No.
Q. Now, you indicated that when you went to Neverland to pick up the family -- excuse me. Pardon me. Let me rephrase that. Poor question. You indicated that you drove to Neverland for the purpose of filming the family at Neverland, right?
A. That's correct.
Q. And you indicated that when you got there, to your knowledge, the children were there but Janet Arvizo was not, correct?
A. That's correct.
Q. And I believe you said you spoke to Joe Marcus about your desire to take the children to Los Angeles to do the filming, correct?
A. After Janet not being there, there was a decision made that the interview will take place in L.A.
Q. Okay.
A. And I informed Joe Marcus about that decision.
Q. And to your knowledge, who was Joe Marcus?
A. Joe Marcus is Neverland Valley property manager. 7757

Q. And had you met him before?
A. Yes.
Q. And was it your understanding he had worked at Neverland for a long period of time?
A. That's correct.
Q. And your understanding from Mr. Marcus was that he didn't have the authorization to let the children get in your car and drive off to Los Angeles, correct?
A. What I remember is that I told him about the plan of taking the kids to Los Angeles for an interview, and if I remember correctly, he said that they're not allowed to leave the property.
Q. And at some point, he came back to you and said he had the authority to let you drive the kids to L.A., correct?
A. If I remember correctly, it just happened that I took the kids and I don't remember having any more conversation. But he was aware of me taking the kids with me.
Q. Okay. So did you assume at the time that Mr. Marcus knew the children were on the property, without the mother, and that Mr. Marcus needed some type of authorization to just let them go off with you?
MR. AUCHINCLOSS: Objection; requires speculation.
THE COURT: Sustained. 7758

Q. BY MR. MESEREAU: How much time elapsed between Mr. Marcus telling you that he didn't have authority to let the kids go and your actually taking the kids with you?
A. Approximately 30 minutes.
Q. Okay. And did you assume that within that 30-minute period Mr. Marcus telephoned someone to find out if he could let these children leave the property?
A. I assume that's what he did, yes.
Q. Okay. And you then, approximately 30 minutes later, put the three children in your car and drove them to Los Angeles, right?
A. That's correct.
Q. Had you ever had those three children in your car before?
A. No.
Q. Now, when you went to Mr. Marcus and told him you wanted to take the three children to Los Angeles, did he ask you if you had the authority to do so?
A. I don't remember.
Q. Did you tell him you had the mother's permission to put her three children in your car and drive them to Los Angeles?
A. I don't remember.
Q. Okay. But I assume at some point you thought you had the mother's permission to do that, 7759

correct?
A. That's correct.
Q. Okay. And at some point in time, you learned that Janet Arvizo did not want to return to Neverland for the filming, right?
A. That's correct.
Q. You learned that Janet Arvizo wanted the filming to take place somewhere in Los Angeles County, correct?
MR. AUCHINCLOSS: Objection; assumes facts.
THE COURT: I'll sustain the objection as vague.
MR. MESEREAU: Okay.
Q. At some point before you put the three children into your automobile and drove them to your home, was it your understanding that the mother approved your doing that?
A. Yes.
Q. And I gather you then drove the children directly to your home; is that right?
A. That's correct.
Q. When you got to your home, was Janet Arvizo there?
A. No.
Q. At some point after you arrived at your home with the three children, did Janet Arvizo arrive?
A. That's correct.
Q. Okay. And as you testified, the filming 7760

then took place at your home, right?
A. That's correct.
Q. Now, you indicated that an investigator named Brad Miller was there, right?
A. That's correct.
Q. And did you learn that he was working for Attorney Mark Geragos?
A. I did not know who he was working for.
Q. Okay. Did you assume he was investigating somebody?
A. I didn't know why he's there.
Q. Okay. Did he ever explain to you why he was there?
A. No.
Q. Okay. But he must have identified himself as a private investigator, right?
A. No. What happened is I asked one of the gentlemen of Marc Schaffel's people who this guy is, and they said he's a private investigator.
Q. Okay. But you never really knew if he was investigating the Arvizos, or Schaffel, or you, or anybody, right?
A. I didn't know.
Q. Okay. Now, you've been interviewed by representatives of the District Attorney's Office, correct?
A. That's correct.
Q. And have they ever discussed with you who 7761

Mr. Miller is in those interviews?
A. On November 18, 2003, I was served with a search warrant. On that search warrant, it says that any document that could show any relationship between me and Brad Miller.
Q. Okay.
A. And there were some other questions about that.
Q. And other than him being at your house that night, you really had no relationship with him, right?
A. No.
Q. And if he was putting anyone under surveillance, you weren't aware of it, right?
A. No.
Q. Okay. And at some time you learned that he had actually done a few minutes of surveillance on you, right?
A. Recently I learned that.
Q. You learned that from the prosecution, correct?
A. That's correct.
Q. Okay. Now, obviously yesterday, the prosecutor played that little bit of footage, and you identified yourself and your automobile, right?
A. That's correct.
Q. And where did that footage take place, if you know? 7762

A. That's what I was wondering yesterday. I don't --
Q. It was not at your home, right?
A. No.
Q. It was somewhere else?
A. That's correct.
Q. It appeared that you were going to a parked vehicle that you owned?
A. I believe so.
Q. But you're not sure where that was?
A. No.
Q. Okay. Okay. Did you ever see Investigator Brad Miller after that evening you filmed the Arvizo family?
A. Did I see him again?
Q. Yes.
A. No.
Q. So that was the first and only time you've ever seen the guy?
A. That was the first and the last time I ever saw him.
Q. Did he ever call you after that and ask you anything, to your knowledge?
A. No.
Q. Okay. But you're saying Marc Schaffel told you he was a private investigator?
A. One of his guys.
Q. Okay. Not Schaffel himself? 7763

A. Not Schaffel himself.
Q. Okay. Okay. But whoever told you that didn't tell you that he was employed by Attorney Geragos, correct?
A. No.
Q. All right. Did you learn that at some point, that Mr. Miller was a private investigator hired by Attorney Mark Geragos?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: I heard on the T.V.
Q. BY MR. MESEREAU: Okay. Okay. All right.
Let me get back to the financial disagreement you had regarding your filming the Arvizo family, okay?
A. I'm sorry, repeat that, please.
Q. The concerns you had about being properly compensated for the work that you had done, okay?
A. Unpaid invoices?
Q. Yes. I want to ask you some questions about that.
At the time you filmed the Arvizo family for purposes of the rebuttal documentary, did you know when the documentary was supposed to air on television?
A. Yes.
Q. And what was your understanding about when 7764

that rebuttal documentary with Maury Povich was supposed to air on television?
A. February 20th of 2003.
Q. That didn't give you much time to get the footage you filmed to the network that was going to actually air the show, did it?
A. No. In fact, we missed the deadline.
Q. Yes. Originally, was the plan for you to film the family, get immediately paid and get it to the network? Was that the initial plan?
A. The initial plan was to finish this rebuttal documentary by midnight of 19 -- February 19 of 2003, to be aired for the 20th. And the day after it's aired I was supposed to get paid in full.
Q. Okay. And I believe you testified that you withheld the footage because you hadn't been immediately paid, correct?
A. Well, I held the footage because of other reasons. I had to make a copy of it. And also, since we missed the deadline, there was no reason to rush to deliver these tapes anyway.
Q. But by withholding the footage, it was clear to you that it could never be on the televised documentary, right?
A. Sorry, say that again?
Q. By withholding the footage the way you did for the reasons you've expressed, it was obvious to you that it could never appear on the documentary, 7765

right?
A. Well, as I said, we missed the deadline anyway, so there was no way that those footage could have been used in the rebuttal documentary.
Q. But your understanding about why you were to film the family was that there was a desire to possibly use that footage in the T.V. documentary, correct?
A. Well, originally we were supposed to shoot this on 19, February 19, to be delivered by midnight to the production company. Since we passed that deadline, I knew that it's not going to be used for the rebuttal documentary.
Q. Now, yesterday, you testified that Dieter and Konitzer had promised you a profit participation in the televised documentary, correct?
A. A percentage of the revenue.
Q. Now, correct me if I'm wrong, I think yesterday you used the firm -- used the term, excuse me, a percentage of gross profits; was that true?
A. Yeah, gross profit.
Q. Okay. Because there is documentation that talks about your claim that you had a net profits interest as opposed to a gross profits interest?
A. Well, maybe I'm not qualified to distinguish the difference between the two, but there was an agreement that once -- once this documentary is aired, there would be a percentage of the sales, 7766

amount of the gross sales, to me for my work.
Q. And was that percentage of gross sales
supposed to include gross sales all over the world?
A. That's correct.
Q. And in your mind, that could be many
millions of dollars potentially, right?
A. At the time, I didn't know what was the
sales.
Q. Okay. And you're saying that Dieter and
Konitzer gave you an oral agreement to that effect,
right?
A. That's correct.
Q. There was nothing ever reduced to writing
about your having a percentage interest in profits
associated with that show, right?
A. They promised me that they will put this in
writing, but they never did.
Q. Okay. Now, in light of the fact that the
footage of the Arvizo family could not appear in
that documentary, did you still think you were
entitled to that percentage interest?
A. Sure.
Q. In light of the fact that the footage could
not appear in that documentary, did you still feel
you were entitled to your normal fees and costs?
A. Well, the Arvizo family footage was not the
only one, the only footage to be used in that
rebuttal documentary. There was some other footage 7767

created by me that was supposed to be used in there.
Q. And an example of that footage was your own personal interview, right?
A. As far as profit goes?
Q. Yes.
A. Could you be more specific?
Q. Sure. Sure. Let's talk about all the work you did on the rebuttal show that was hosted by Maury Povich, okay?
A. Okay.
Q. The work you did was a personal interview, right?
A. Personal interview of --
Q. You.
A. I did not do that myself.
Q. But you spoke yesterday about a personal interview --
A. No, I did not shoot that interview. In other words, I did not shoot myself to be interviewed. Somebody else shot me.
Q. Yes. But certainly you did grant an interview that somebody else shot for purposes of that documentary, right?
A. That's correct.
Q. And you also obviously did a shoot of the Arvizo family for the purposes of that documentary, right?
A. Sure. 7768

Q. What else did you do for the purposes of preparing that documentary?
A. As I remember correctly, I put 250 hours in a matter of 11 days, 250 hours in a matter of 11 days, oftentimes 20 -- 20 hours a day to finish this rebuttal documentary.
Q. And that included footage of other family members of the Jackson family, correct?
A. The Jacksons' family members interview, other footage that I provided, and edited for --
Q. Right.
A. -- for the purpose of this documentary.
Q. All right. Now, other than the Arvizo footage, did you provide the other footage you did to the network?
A. Other footage of?
Q. Family members. Did you provide that in a timely fashion so it could be used in the documentary?
A. When you say "family members," are you talking about Mr. Jackson's family members?
Q. Yes.
A. Okay.
Q. So that was given in time to be included in the documentary, correct?
A. That's correct.
Q. The only footage you did that was not provided in time to include in the documentary was 7769

1 the footage of the Arvizo family, right?
2 A. The only footage that was not provided?
3 Q. Well, let me -- I'm probably confusing you.
4 Don't intend to.
5 The Arvizo family footage never got there in
6 time, right?
7 A. That's correct.
8 Q. The other footage you did did get there in
9 time, right?
10 A. That's correct.
11 Q. Okay. If you knew that the footage of the
12 Arvizo family was not going to get there in time,
13 why did you continue to do it?
14 A. Well, since we set up all the equipment and
15 everything, might as well shoot it.
16 Q. Okay. And your position after you shot it
17 was, "I want to make a copy of it, and I'm not
18 handing it over to anybody till I'm properly
19 compensated," right?
20 A. No, first my thought was I'm making a copy
21 of it, just for insurance. In case something
22 happens to the tapes, there's a copy of it.
23 But the morning after when Ronald and Dieter
24 and other of Mr. Jackson's agents refused to talk to
25 me about this unpaid invoices issue, I decided that
26 I'm not going to do anything until I get paid.
27 Q. Uh-huh. Okay. Your position was you
28 weren't going to do anything until you got paid your 7770

normal fees and costs that were owed, plus you had a documented percentage interest in profits coming from the show, right?
A. All the unpaid invoices and the percentage that they promised me.
Q. Yes. Okay.
Now, your lawyers at Greenberg Traurig, the law firm you retained, wrote a letter to David LeGrand on March 5th, 2003, that I showed you yesterday, okay?
A. I don't think you showed me a letter of my lawyer.
Q. Oh, may I -- would it refresh your recollection if I just show it to you?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: No, you haven't asked him a question that requires any refreshing of memory.
Q. BY MR. MESEREAU: Okay. Do you recall a letter from your lawyers that was written to David LeGrand on March 5th, 2003?
A. There was a lot of letters wrote. I don't recall which one you are referring to.
Q. Do you recall one written on March 5th, 2003?
A. I don't remember a specific date.
Q. Would it refresh your recollection if I just show you a copy of that letter? 7771

A. Sure.
MR. MESEREAU: May I approach?
THE COURT: No. You haven't asked him a question that requires refreshing of memory.
MR. MESEREAU: I thought -- he doesn't know the date, Your Honor. I was just going to refresh him on that. All right.
Q. How long after you completed the footage of the Arvizo family did you retain a law firm to represent you?
A. Could you repeat that again?
Q. Yes. You filmed the Arvizo family on the 20th, right?
A. Yes.
Q. You withheld the footage - okay? - for various reasons that you've identified?
A. Sure.
Q. And you went to a law firm to represent you shortly after that, correct?
A. What do you mean □shortly after□?
Q. Well, within a couple of weeks, true?
A. Approximately.
Q. The law firm was a firm by the name of Greenberg Traurig, correct?
A. That's correct.
Q. And Greenberg Traurig wrote a letter to Attorney David LeGrand, who you have spoken about before. They wrote him a letter on March 5th, 2003, 7772

identifying your position on compensation, right?
A. I believe so.
Q. Okay. Do you know for sure?
A. Well, again, I don't have my records here, so I don't know what -- what letter you're referring to.
Q. Okay. Would it refresh your recollection if I show that to you?
A. Sure.
MR. MESEREAU: The letter of March 5th, is that permitted, Your Honor?
THE COURT: Yes.
MR. AUCHINCLOSS: So what number?
THE WITNESS: Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that document?
A. Well, my lawyer was in touch with Mr. LeGrand, so most of the communications were between my lawyer and Mr. LeGrand.
Q. But you've looked at that document I showed you, right?
A. Right now I looked at it.
Q. And you see a date of March 5th, 2003?
A. It says March 5th.
Q. Okay. Do you know approximately when you hired a lawyer to represent you on this particular issue?
A. I don't remember. 7773

1 Q. Okay. It was shortly after you filmed the
2 Arvizo family, correct?
3 A. When you say □shortly,□ what do you mean?
4 Q. Within a couple weeks? Within two weeks?
5 A. Approximately.
6 Q. And had you made any verbal requests to
7 Dieter and Konitzer to fulfill what you say their
8 promises were before you went to a lawyer?
9 A. I'm sorry, say that again?
10 Q. Had you spoken to Dieter and Konitzer
11 between the filming of the Arvizo family and the
12 time you retained the law firm of Greenberg Traurig?
13 A. Yes, I spoke with them.
14 Q. Did you try to get things resolved with
15 them?
16 A. Yes, I did.
17 Q. And I gather you could not do that?
18 A. Negative.
19 Q. Okay. Now, you were asking to be
20 compensated for projects you had done since 1999,
21 right?
22 A. There were unpaid invoices --
23 Q. Yes.
24 A. -- from .99, 2001, and I believe 2002 and
25 2003.
26 Q. Right. One of them had to do with your
27 filming the Air Force visiting Neverland, correct?
28 A. I don't have my records, but it could be. 7774

Q. Would it refresh your recollection if I just show you your outstanding -- a record of your outstanding invoice?
A. Is that one of the outstanding?
Q. Yes.
A. It is, for sure? Okay. I mean, I don't have my records. I do have records that shows what has been paid, what has not been paid.
Q. Okay.
A. But right now I don't have nothing in front of me to be able to tell you whether that specific invoice has been paid or not.
Q. Would it refresh your recollection if I just show you a record of your invoices?
A. Please.
MR. MESEREAU: May I approach?
THE COURT: Yes.
MR. AUCHINCLOSS: What number, Counsel?
THE WITNESS: Are you referring to this one?
Okay.
Q. BY MR. MESEREAU: Have you had a chance to look at that document?
A. Yes.
Q. Does it refresh your recollection about your outstanding invoices at that time?
A. What you showed me, it's a summary of all the unpaid invoices at the time.
Q. Okay. And some of the work you had done you 7775

had provided and some of it you had withheld pending
payment, true?
A. I don't remember.
Q. Well, the -- you had done an interview with
Michael Jackson, correct?
A. I did an interview with Michael Jackson?
Q. Well, you, in your invoices, refer to the
Bashir interview with Michael Jackson in Florida,
correct?
A. Okay.
Q. You had filmed that interview yourself,
right?
A. That's correct.
Q. And you were withholding that footage until
you were paid, correct?
A. No.
Q. Well, the schedule your lawyer provided
indicated that, didn't it?
A. Well, this footage that you're talking
about, it's been aired already. So that means I
have provided that.
Q. Okay. Do you recall your lawyer saying you
were going to withhold that footage until you were
paid on March 5th, 2003?
A. Do I recall if my lawyer were saying that
I'm going to withhold --
Q. Yes.
A. -- the footage until I get paid? 7776

Q. Yes.
A. That footage was not withheld.
Q. Okay.
A. Because it was aired already on February 20th --
Q. So that --
A. -- by FOX.
Q. So you weren't withholding anything in that regard?
A. Well, that footage, no.
Q. The only footage you say you're withholding is the footage of the Arvizo family?
A. Again, I don't have my records, but if you tell me, I'll take your word.
Q. Do you recall filming in London, in New York, some footage dealing with Sony?
A. I do remember that.
Q. And were you withholding that footage until you were paid?
A. Again, I don't have my records to tell you whether I have turned over those footage or not.
Q. I'm talking about March 5th, 2003. Do you recall whether your position was you were going to withhold footage dealing with Sony in New York and London until you were paid?
A. I don't understand your question.
Q. Okay. Let me rephrase it.
As of March 5th, 2003 -- 7777

A. Okay.
Q. -- the Arvizo footage that you have described was not the only footage you were refusing to deliver until you were properly paid, right?
A. Well, I mean, I -- can you refresh my memory by making an example of it?
Q. Would it refresh your recollection to look at this summary of invoices your lawyer sent?
A. Sure.
MR. MESEREAU: May I approach?
THE COURT: Yes.
THE WITNESS: When it says, "No," not necessarily means nothing has been turned over. Maybe not like the original copy, but there has been copies that has been delivered already. In fact, if you look at that summary, you'll see under the Martin Bashir footage, it says, "No," but it was provided, a copy of that footage anyway.
Q. BY MR. MESEREAU: Okay.
A. Because it was aired on February 20th.
Q. Okay. Do you recall any money ever being wired to you in partial payment of what you felt you were owed for the work you did?
A. There was one payment made after -- I believe a month after what they promised me.
Q. Do you know how much that was?
A. 200,000.
Q. Okay. Who wired you the 200,000; if you 7778

know?
A. I believe it was from David LeGrand's office.
Q. Okay. And do you recall how much you felt you were still owed after you received the 200,000?
A. I believe my invoices were over $300,000.
Q. Okay.
A. For a period of a year and a half, which 200,000 was paid.
Q. Okay. And you, to this day, never turned over the Arvizo footage to anyone, correct?
A. Correct.
Q. The Arvizo footage was seized by sheriffs representatives when they did a search of your home, right?
A. That's correct.
Q. Now, when did you last talk to Janet Arvizo?
A. February 20th of 2003.
Q. Okay. So that was the last day you saw her or spoke to her, right?
A. As I remember, that's correct.
Q. Okay. Have you ever spoken to any of her three children since that day?
A. No.
Q. Okay. Now, the prosecutor asked you questions about Dieter and Konitzer claiming they managed Mr. Jackson's affairs, right?
A. I was informed by Mr. Ronald and Dieter, 7779

1 Konitzer and Weizner, that sometime in probably
2 approximately December of 2002, they going to take
3 over the management of Mr. Jackson.
4 Q. And you were instructed by Konitzer not to
5 call Michael Jackson, right?
6 A. At one point, yes.
7 Q. He asked you to only call him and not call
8 Michael Jackson or Evvy, correct?
9 A. That's correct.
10 MR. AUCHINCLOSS: Objection; hearsay.
11 MR. MESEREAU: Your Honor, it's in response
12 to the doors opened by the prosecution on that
13 issue.
14 THE COURT: The objection's overruled.
15 Q. BY MR. MESEREAU: Approximately when did
16 Konitzer tell you, Don't speak to Michael Jackson
17 or Evvy?
18 A. I believe was like approximately February
19 21st.
20 Q. Okay.
21 A. Late February, I mean of 2003.
22 Q. And did he do that in person or on the
23 phone?
24 A. I believe there was an e-mail and a phone.
25 Q. Okay. And he told you that he was going to
26 clean up the mismanagement in Mr. Jackson's business
27 affairs, right?
28 A. That's correct. 7780

1 Q. He told you he was in charge of all
2 restructuring, right?
3 A. They told me that they going to take over,
4 and, you know, make things smoother.
5 Q. Right.
6 A. Operation.
7 Q. And did you honor his request that you not
8 contact Mr. Jackson?
9 A. Um, I don't remember.
10 Q. Okay. Do you remember whether or not you
11 ever telephoned Mr. Jackson after Mr. Konitzer told
12 you, Don't call him; just talk to me?
13 A. I believe I spoke to Mr. Jackson.
14 Q. Okay. And do you know when that was?
15 A. I believe it was February 21st of 2003.
16 Q. Okay.
17 A. I believe.
18 Q. And you think that was after Konitzer told
19 you, Don't ever call Mr. Jackson; just contact
20 me?
21 A. Could have been.
22 Q. Did you talk to Mr. Konitzer after he made
23 that request?
24 A. Yes, I believe I did.
25 Q. Okay. Did you ever see him in person after
26 he made that request to you?
27 A. I believe I did.
28 Q. Okay. Do you know where that was? 7781

A. In Santa Monica in a hotel.
Q. Okay. Now, at some point did you learn that Weizner and Konitzer had been fired?
MR. AUCHINCLOSS: Objection. Assumes facts; hearsay; foundation.
THE COURT: Sustained on assumes facts.
Q. BY MR. MESEREAU: Did you ever learn whether or not Ron Konitzer continued to be involved in Mr. Jackson's affairs?
A. After --
Q. The 20th.
A. Yeah. That was my belief, that he still continued.
Q. And did you ever learn from him at any point that he was no longer involved with Mr. Jackson's affairs?
A. Not from him.
Q. Did you learn from someone else?
MR. AUCHINCLOSS: Objection; hearsay.
THE COURT: Sustained.
MR. MESEREAU: Okay.
Q. Do you recall a lawsuit in England that was filed by attorneys representing Mr. Jackson over the Bashir documentary?
A. I have heard about it, but I've never seen the lawsuit itself.
Q. Was it true that after Bashir did his footage, you asked him to provide you copies of his 7782

footage?
A. Repeat that question one more time?
Q. Yes, I'm sorry if it's unclear.
Did you ever ask Bashir or any agent of
Bashir to provide you copies of Bashir's footage?
A. Yes, I did.
Q. And when did you do that?
A. The very first day I met him.
Q. Okay. Now, it was understood that you were
going to do your own footage at the same time,
right?
A. That's -- well, the first day.
Q. But you were also asking Bashir to give you
some of his footage, right?
A. All his footage.
Q. All right. And did he respond to you?
A. He said -- he promised he will.
Q. Did he ever do that?
A. No.
Q. Did you ask him verbally or in writing; do
you know?
A. Verbally.
Q. And that was face to face?
A. That was face to face.
Q. All right. And was that at Neverland?
A. That's correct.
Q. Okay. And was that before any of the
filming began? 7783

A. That's correct.
Q. Now, he never objected to you doing your filming, correct?
A. He wasn't happy, but he had no choice.
Q. Okay. How much of Bashir's footage -- excuse me, let me rephrase that.
How much of the material that Bashir filmed did you film as well? Did you film everything that he filmed?
A. No.
Q. Okay. What did you actually film yourself?
A. Two interviews and one sightseeing at Neverland.
Q. To your knowledge, what did Bashir film that you didn't film yourself?
A. Well, since I was not present at all the sessions that Mr. Bashir did, I really don't know how much he shot.
Q. Okay. But other than your request that he give you some of his footage, you didn't participate in any litigation involving Bashir, right?
A. Legal litigation?
Q. Yes.
A. No.
Q. Okay. And you knew litigation was going on in England, did you not?
A. I have heard from Mr. Jackson's personal assistant that there's going to be a lawsuit against 7784

Martin Bashir and Granada T.V. in regard to this documentary.
Q. Okay. During the filming of the Arvizo family at your home, you said you were sort of in and out of the room where the filming was being done?
A. While I was setting up, yeah, I was going from garage to the place where the interview was supposed to take place.
Q. But while the interview was actually conducted, were you present at all times?
A. During the filming, yes.
Q. Okay. And approximately how long did that filming last, if you know?
A. Approximately an hour.
Q. How long were the children at your house before the filming actually began, approximately?
A. Two to three hours.
Q. And how long was Janet Arvizo at your house before the filming actually began?
A. Approximately one hour.
Q. Who did the questioning during the interview?
A. Christian Robinson.
Q. Had you worked with him before?
A. Yes.
Q. Okay. How many times had you worked with Christian Robinson before? 7785

A. On one project.
Q. All right. And was it your understanding that he had a list of questions he was going to ask during the interview?
A. I saw him having a list of questionnaire, yes.
Q. And was it your understanding that he was asking questions from the questionnaire?
A. I believe so.
Q. Okay. And you observed the Arvizo family responding to those questions, true?
A. That's correct.
Q. Before the filming began, did you see Mr. Robinson meet with any member of the Arvizo family?
A. I'm sure he did. But I did not observe that.
Q. Did you see him going over the questions with any member of the Arvizo family?
A. Could have been.
Q. You're not sure?
A. I'm not sure.
Q. Okay. Typically when you film an interview like this, the person doing the interview has a list of questions, correct?
A. Most of the time.
Q. And you've filmed numerous interviews like this in your career, right?
A. That's correct. 7786

Q. Okay. During the two to three hours that the Arvizo children were at your home before the interview, you never watched them memorizing anything, did you?
MR. AUCHINCLOSS: Objection; requires speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Repeat that again.
Q. BY MR. MESEREAU: Yes. During the two to three hours that the Arvizo children were at your home prior to the start of the interview, you never saw them memorizing words, did you?
A. No.
Q. In fact, what you saw them doing was mostly playing and having fun, right?
A. As I remember.
Q. Before Janet Arvizo started the interview, you didn't watch her memorizing words, did you?
A. No, I didn't.
Q. You said that Janet was there for about an hour, right --
A. Approximately.
Q. -- before the taping began, okay?
And I think you said that she was in a discussion about some type of contract, right?
A. I believe there was a release that she had to sign. 7787

Q. Okay. And was she talking to someone about that release?
A. Yeah.
Q. Who was she talking to, if you know?
A. I think she was talking to a few people. Vinnie, Christian Robinson, and possibly Paul. There's a gentleman by the name of Paul, I believe it's Hugo or something like that. I don't know his last name, but --
Q. And did you see a document that you thought was a contract or a release?
A. I saw a document, but I never looked at it.
Q. Okay. And did it appear that Janet and these other individuals were discussing the document?
A. Yes. They were discussing the document.
Q. Did you actually hear Janet and these individuals discussing this document?
A. Did I hear or see?
Q. Yes. Well -- excuse me, let me rephrase. Did you hear what you believed was a discussion between Janet and these individuals about that document?
A. Yeah.
Q. Okay. Did you see Janet and these individuals discussing that document?
A. I believe I saw some.
Q. Okay. Did you ever see Janet on the phone 7788

during that period of time?
A. Could have been. I'm not sure.
Q. Okay. At some point, did you watch Janet
sign that document?
A. I don't remember seeing her signing it. But
it was towards the end of the interview, and I -- my
understanding was that she signed it.
Q. Okay. And correct me if I'm wrong, but did
you say something yesterday about there being
changes made to the document?
A. I believe there was some changes being made
to the document.
Q. And what made you believe that?
A. Because Vinnie asked me to use my fax
machine so he can fax some documents back and forth
I believe with Schaffel.
Q. Okay. And why did you think Janet at some
point signed the document?
A. Because there was no other discussion about
it.
Q. Okay. Did you see -- but you never saw
anybody actually sign it, true?
A. I didn't see her sign it.
Q. Okay. Now, did you say at some point
Schaffel told you he didn't want the Arvizos to know
where he lived?
A. That's correct.
Q. Did he tell you he was suspicious of the 7789

1 Arvizos?
2 MR. AUCHINCLOSS: Objection; hearsay.
3 THE COURT: Sustained.
4 Q. BY MR. MESEREAU: Did Schaffel ever discuss
5 with you why Investigator Brad Miller was there?
6 A. Schaffel himself?
7 Q. Yes.
8 A. No.
9 Q. Did anyone else there ever tell you that the
10 investigator was investigating the Arvizo family?
11 A. No.
12 Q. What did you see Brad Miller doing while the
13 taping went on?
14 A. Well, during the taping I was paying
15 attention to, you know, my work. But before that,
16 he was walking around my house.
17 Q. Okay. Did he appear to be taking notes at
18 all, to your knowledge?
19 A. During the filming?
20 Q. Let me start again.
21 At some point Miller arrived at your house,
22 right?
23 A. Correct.
24 Q. And did he knock on the door?
25 A. Yes, he did.
26 Q. And did you answer the door?
27 A. Yes, I did.
28 Q. And did he identify who he was at that 7790

1 point?
2 A. I said, ⍰Who are you?⍰ And he said, ⍰I'm
3 for the interview.⍰
4 Q. Okay. Did he say he was a private
5 investigator?
6 A. No, he did not.
7 Q. Did he give you his card?
8 A. No, he did not.
9 Q. Okay. And why did you let him in?
10 A. Um, because I -- why did I let him in? Um,
11 I thought he was with Marc Schaffel's people, and
12 since they were there already, I thought they were
13 expecting him. Maybe it's delivering something
14 or -- I don't know. But being kind and polite, I
15 let him in.
16 Q. Yes. Okay. So he was there the whole time,
17 as far as you know?
18 A. Yes.
19 Q. Do you know when he left?
20 A. At the end of the interview.
21 Q. Okay. Do you know if he left with anybody?
22 A. I did not see him leaving with who -- with
23 anybody.
24 Q. Did you ever see him recording anything in
25 your house?
26 A. No, I did not see him recording anything.
27 Q. Did you ever see him writing anything down?
28 A. I did not. Could have been. I don't know. 7791

Q. And did you ever see him photographing anything while he was in your house, to your knowledge?
A. Not to my knowledge.
Q. Okay. Now, when Janet -- excuse me.
Before Janet Arvizo was filmed, she used your rest room and began to apply her own makeup, right?
A. She used my --
Q. Rest room --
A. Yeah.
Q. -- and applied her own makeup for the filming, correct?
A. I believe so.
Q. And you never saw anybody coaching Janet on what to say, correct?
A. No, I did not.
Q. You never saw anyone coaching the children on what to say in the interview, right?
A. I did not see anything.
Q. I believe you testified yesterday that, in your opinion, Janet Arvizo had a problem with a draft contract, right?
MR. AUCHINCLOSS: Objection to the use of the word □contract.□
MR. MESEREAU: Well, I'll change the -- I'll rephrase it.
Q. You recall Janet looking at a three-page 7792

1 nondisclosure contract, right?
2 A. I never --
3 MR. AUCHINCLOSS: I'll make the same
4 objection.
5 THE COURT: Sustained.
6 Q. BY MR. MESEREAU: Did you ever tell a
7 representative of the Santa Barbara Sheriff's
8 Department during an interview that Vinnie brought a
9 three-page nondisclosure contract for Janet to sign?
10 MR. AUCHINCLOSS: Calls for a legal opinion.
11 THE COURT: No, he's asking if he told the
12 sheriff that, so the objection is overruled.
13 You may answer.
14 THE WITNESS: I don't remember being so
15 specific about three-page or nondisclosure
16 agreement. If I had said anything about that,
17 about that document, it would have been a release.
18 I don't remember saying that it was a three-page
19 confidentiality or some sort of title for the
20 document.
21 Q. BY MR. MESEREAU: Would it refresh your
22 recollection to just show you a police report
23 summary of your interview?
24 A. Sure.
25 MR. MESEREAU: May I approach, Your Honor?
26 THE COURT: Yes.
27 THE WITNESS: Um, I don't --
28 MR. MESEREAU: I have to first ask you a 7793

question.
Q. Have you had a chance to review that
document?
A. No, I never have, that document.
Q. Have you had a chance to review the document
that I just showed you?
A. No, I did not, I never obtained that
document that you just showed me.
Q. Okay. Did you just look at that document?
A. I looked at that document. I do not
remember saying three pages nonconfidentiality
contract.
Q. Okay. Okay. Now, Vinnie at some point
asked you to sign a document, did he not?
A. I believe so.
Q. And you refused to sign a document presented
to you by Vinnie, correct?
A. That's correct.
Q. Okay. Do you know what that document
concerned?
A. That was a three-page non -- a
confidentiality document, which he left it at the
house.
Q. The FOX TV special, The Footage You Were
Never Meant To See, appeared on February 20th,
2003, on television, right?
A. That's correct.
Q. Did you watch that show? 7794

A. Yes, I did.
Q. Okay. Did some of the footage you had done of the Bashir interview appear on that documentary?
A. Yes, it did.
Q. Did your interview, your personal interview, appear in that documentary?
A. Yes, it did.
Q. Was it your understanding that additional documentaries were going to be made to put Mr. Jackson in a favorable light?
A. Another after "The Footage You Were Never Meant To See," I had no knowledge of that.
Q. You never understood there was to be a two- or three-part series in that regard?
A. No. Nobody informed me anything on that.
Q. Okay. Do you recall being at Neverland on approximately February 8th, 2003, to meet people from 60 Minutes?
A. I believe so. I think it was a Saturday, if I'm not wrong.
Q. Do you remember meeting someone named Ed Bradley at Neverland?
A. Yes.
Q. And do you remember meeting Mr. LeGrand on that day?
A. Yes.
Q. Do you remember meeting other people from CBS on that day? 7795

A. Yes.
Q. And why were you at Neverland on February 8th, 2003?
A. I was there as a personal DP, which stands for Director of Photography, for Mr. Jackson, for his lighting and the look of his picture.
Q. Was anything filmed on February 8th, 2003?
A. I don't believe so.
Q. Do you know why?
A. No.
Q. Okay. How long were you there that day, if you remember?
A. A few hours.
Q. Do you remember seeing Janet Arvizo there that day?
A. I don't remember.
Q. Would it refresh your recollection just to look at the police report summary of your interview?
A. Sure.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
THE WITNESS: I don't remember making that statement about Janet.
Q. BY MR. MESEREAU: How many times do you think you have seen Janet Arvizo at Neverland?
A. I would say two or three times.
Q. Okay. Do you know approximately when?
A. At various times. 7796

Q. Okay. Approximately when do you think the first time you saw Janet Arvizo at Neverland was?
A. Between 2000 and 2003. It could have been 2001. I don't know.
Q. Okay. Did you meet her for the first time when the 60 Minutes crew was at Neverland?
A. I don't remember seeing her that day.
Q. Okay. When do you think you first saw her, ever?
A. It could have -- again, it's between the year 2000 and 2002, I would say. It could -- like approximately 2001. I don't know.
Q. And was your first meeting with her at Neverland, to your knowledge?
A. Yes.
Q. Okay. And do you recall whether or not her children were there when you met her the first time?
A. I think they were.
Q. Okay. And you indicated in response to the prosecutor's questions you developed a friendship with the Arvizo family?
A. Well, as I said, in the year 2000, I did two projects that Arvizo kids, David or Star and Gavin, were involved. One of the project I was directing. And within that project I had a lot of conversations and interactions with David and Gavin. So I kind of got to know them.
Q. Did you stay in touch with them on a social 7797

level?
A. No.
Q. When you weren't talking to them at
Neverland, did you call them on the phone?
A. From Neverland, calling them?
Q. Let me rephrase it. I'll ask a better
question.
Aside from the instances where you saw them
in person, did you have a relationship where you
would call them from time to time?
A. I don't think so.
Q. Did they call you from time to time?
A. I don't think so.
Q. Okay. So your only involvement with them
was either at Neverland or when they came to your
home; is that right?
A. That's correct.
Q. You didn't see them during your trips to
Florida, right?
A. No, I didn't.
Q. Okay. Now, you indicated that you had met
one of Marlon Brando's sons; is that correct?
A. Yes.
Q. And who did you meet that was a son of
Marlon Brando?
A. Miko Brando.
Q. And when did you first meet him?
A. .97, .98. 7798

Q. Did you see him often at Neverland?
A. Sometimes.
Q. Was it your understanding that he was a friend of Michael Jackson?
A. Friend and associate.
Q. Okay. And when did you last see him?
A. Last time, end of February of 2003.
Q. Okay. Now, you did an interview with a woman named Debbie Rowe, didn't you?
A. That's correct.
Q. And that was footage that you filmed for purposes of the rebuttal documentary, right?
A. At the time I don't think there was a rebuttal documentary. My understanding was she was responding to some of the comments that Bashir made on his documentary.
Q. And that interview took place at your home, correct?
A. No.
Q. Where did that take place?
A. At Marc Schaffel's house in Calabasas.
Q. Oh, okay. Okay. Do you know approximately when that interview took place?
A. I believe early February 2003.
Q. So it took place before you filmed the Arvizo family, right?
A. That's correct.
Q. Did you meet Ms. Rowe at Marc Schaffel's 7799

house?
A. I met her at -- well, not for the first time, but, yeah, I saw her.
Q. But when you filmed her for purposes of responding to the Bashir documentary, you traveled to Schaffel's home, correct?
A. That's correct.
Q. And when you got there, was Debbie Rowe present?
A. Or she came afterwards.
Q. You didn't bring her there, right?
A. No.
Q. So your understanding on February 20th was that Schaffel had no problem with Debbie Rowe knowing where he lived, but he didn't want the Arvizos to know where he lived, right?
A. That could be so, yeah.
Q. But he never told you why he didn't want the Arvizos to know where his house was?
A. No.
Q. Now, it was no secret that the purpose of the rebuttal documentary was to put Mr. Jackson in a positive light, right?
A. Sure.
Q. Everyone knew that was the purpose, right?
A. Yeah.
Q. It was meant to be a response to the Bashir documentary, right? 7800

A. That's correct.
Q. It was meant to show things that Bashir had left out of his documentary that were positive about Michael, right?
A. That's correct.
Q. You actually had volunteered to provide footage that Bashir had left out of his show, right?
A. Did I volunteer?
Q. Yes. It was partly your idea to include your footage in the response to Bashir, right?
A. Um --
Q. Let me rephrase it if it's unclear.
A. Please.
Q. At some point following the airing of Bashir, you came forward and said, "I have footage of what positive things Bashir said about Michael," right?
A. This, I believe, was prior to the airing it. Prior to the airing the ABC version of Martin Bashir in the United States.
Q. Yes. Okay. Let me restate the question. You saw the Bashir documentary at some point, right?
A. At one point, yes.
Q. When you saw it, you realized he had left out a lot of footage where he praises Michael Jackson, right?
A. No. 7801

Q. Well, he had footage where he praised
Michael Jackson for being a good parent, right?
A. Well, I mean, let me correct --
Q. Sure.
A. Okay. The timing of how you're putting it
is kind of off.
Q. Oh, okay.
A. I was told by Mr. Jackson's personal
assistant at one point, before this documentary, the
ABC version of the Martin Bashir was aired in United
States; that Martin Bashir is going to air his own
version in London through BBC, I believe. At that
point I brought up the fact that I have some footage
of the behind the scenes. So at that time I have
not seen the Martin Bashir footage yet.
Q. Okay.
A. Am I clear?
Q. At that particular time, you were the only
one that had a copy of your footage, right?
A. That's correct.
Q. Okay. And did you talk to representatives
of FOX about including your footage in the FOX
documentary?
A. No.
Q. Okay. Who did you talk to about including
your footage in that show?
A. Well, this is how it happened: I talked to
Mr. -- Miss Evvy Tavasci, which is Mr. Jackson's 7802

personal assistant. I informed her that I have
footage of the behind-the-scene and other footage of
the interview.
Q. Uh-huh.
A. And I offered her to look at it. And she
refused. She said, "It's okay. Don't worry. Mr.
Jackson has obtained lawyers and they're going to
take care of this matter."
I took the footage with a video camera and a
play-back machine to the office of Miss Tavasci to
show her what I have. She still refused to look at
them, and she indicated that I should not be worried
about it, and Mr. Jackson's lawyers will handle the
situation.
Then --
Q. And what did you do next?
A. Next, I believe I spoke to Mr. Jackson and
he asked me to call Dieter --
Q. Okay.
A. -- about the matter.
Q. Right.
A. I spoke to Dieter, and I told him what I
have, and he informed me that I'm going to go to
Florida for another type of filming, and we're going
to discuss this matter with him.
Q. And it was after that that you flew to
Florida, right?
A. Yes. 7803

Q. And you flew to Florida expecting to do some filming, right?
A. That's correct.
Q. And at some point in Florida you learned that there was a change of plans and there would be no filming; is that correct?
A. That's correct.
Q. How long were you in Florida for that trip?
A. I think a day, one day maybe.
Q. Do you know approximately when that was?
A. I don't have my records here. But I believe it's like February 6th and 7th. Something like that.
Q. Do you remember hearing anything about a press conference that was cancelled in Florida?
A. Did I hear that there was a press conference that was cancelled?
Q. Yes.
A. No.
Q. Okay. Do you recall any talk about a press conference in Florida?
A. I asked what is the purpose of this filming --
Q. Yes.
A. -- and they never give me a specific answer. But my understanding was that it could have been either a press conference or a response in a video format from Mr. Jackson to Martin Bashir 7804

1 documentary.
2 Q. Okay. Now, how long after you got to
3 Florida did you find out there was a change of
4 plans and you were not going to be filming
5 anything?
6 A. I think hours after that.
7 Q. Okay. Did you spend the night in Florida on
8 that trip?
9 A. Yes, I did.
10 Q. Where did you stay?
11 A. At the hotel.
12 Q. The Turnberry?
13 A. I don't remember the name of the hotel.
14 Q. Okay. And did you fly back on your own the
15 next day?
16 A. Yes.
17 Q. Okay. And when you were in Florida for that
18 trip, did you see Mr. Jackson?
19 A. No.
20 Q. Did you see any of the Arvizos?
21 A. No.
22 Q. Did you see Chris Tucker?
23 A. No.
24 Q. Did you see Dieter or Konitzer?
25 A. Yes.
26 Q. And where did you see them?
27 A. In their room.
28 Q. Okay. 7805

1 THE COURT: Okay, Counsel. Let's take a break.
2 (Recess taken.)
3 --o0o--
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28 7806

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 7752 through 7806 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 27, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 27, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, APRIL 27, 2005

8:30 A.M.

(PAGES 7808 THROUGH 7971)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 7808

APPEARANCES OF COUNSEL:

For Plaintiff: THOMAS W. SNEDDON, JR.,
District Attorney -and-
RONALD J. ZONEN, Sr. Deputy District Attorney
-and- GORDON AUCHINCLOSS,
Sr. Deputy District Attorney -and-
MAG NICOLA, Sr. Deputy District Attorney
1112 Santa Barbara Street Santa Barbara, California 93101

For Defendant: COLLINS, MESEREAU, REDDOCK & YU
BY: THOMAS A. MESEREAU, JR., ESQ. -and-
SUSAN C. YU, ESQ. 1875 Century Park East, Suite 700
Los Angeles, California 90067
-and-
SANGER & SWYSEN BY: ROBERT M. SANGER, ESQ.
233 East Carrillo Street, Suite C Santa Barbara, California 93101

1 I N D E X
2
3 Note: Mr. Sneddon is listed as ?SN? on index.
4 Mr. Zonen is listed as ?Z? on index. Mr. Auchincloss is listed as ?A? on index.
5 Mr. Nicola is listed as ?N? on index. Mr. Mesereau is listed as ?M? on index.
6 Ms. Yu is listed as ?Y? on index. Mr. Sanger is listed as ?SA? on index.
7
8
9 PLAINTIFF'S
10 WITNESSES DIRECT CROSS REDIRECT RECROSS
11 MOSLEHI, Hamid 7872-A 7848-M
12 PAULSEN, Terry 7852-N 7859-SA 7864-N
13 DOMINGUEZ,
14 Gabriel 7877-N 7892-SA
15 SIMS, Anne Marie 7896-N 7905-SA 7913-N
16 SHEBROE, Joseph 7914-N 7923-SA
17 MULCAHY, Jeanne 7924-N
18 JACKSON,
19 Deborah Rowe 7932-Z
20
21
22
23
24
25
26
27
28 7810

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3
4 451 Pacific Bell records 7896 7898
5 452 T-Mobile records 7878 7883
6 453 AT&T Wireless records 7924 7928
7 454 Cingular Wireless Records 7924 7928
8 456 Verizon Wireless subscriber information 7915 7919
9 850 Air-to-ground telephone
10 bill from 2-7-03 7853 7855
11 851 Fax from Hale Lane dated 2-21-03 7842 7850
12
13
14
15 DEFENDANT'S NO.
16 5009-A DVD 7812
17 5009-B DVD 7812
18 5009-C DVD 7812
19 5010 DVD 7812
20
21
22
23
24
25
26
27
28 7811

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: Counsel?

MR. SANGER: Yes, Your Honor, if I may address the Court.

THE COURT: Yes.

MR. SANGER: Thank you.

We would -- first of all, it's a good time to do this on the record. There were four DVDs which were lodged with the Court on a previous occasion for a pre-trial matter that were numbered 913, 1011 and 12, and also 1315, and I don't think they were given exhibit numbers at the time.

I believe the Court has allowed the clerk to now mark the Exhibits 913, 1011 and 12 as 5009-A, -B, and -C. And then the item marked 1315 has been marked as 5010.

So we'd just like the record to reflect that, if we can, Your Honor, first of all.

THE COURT: All right.

MR. SANGER: Now, having said that, we would like -- as a part of the cross-examination of this witness, we would like to play Exhibit 5009-A, -B and -C, which are the outtakes or Mr. Moslehi's footage of the Bashir interviews. And they're offered for the purpose of showing the context and 7812

the complete statements made by Mr. Jackson at the time that certain statements were edited out and placed in the Bashir video.
And as the Court recalls, statements in the Bashir video were admitted for the truth of the matter as admissions of the party. And these videos show the context in which those statements were made, not just the particular words, but the whole context in which Mr. Jackson was led to make those statements. So that's our offer.
Now, I've talked to the District Attorney, Mr. Auchincloss. I asked him if he would agree that we could play this in open court without first showing Mr. Moslehi to authenticate it, and he is considering that; I think probably will agree to that.
The question that he asked that we address right now was the admissibility of this, so I asked the bailiff to ask Your Honor to come out so we could talk about --
THE COURT: I already ruled that it wasn't admissible in the direct part of the People's case, because the Bashir case -- the Bashir tape was introduced for the limited purpose of showing that Mr. Jackson had some motive to be doing certain acts that the People claimed that he did, and it had nothing to do with the truth of the matter in the tape, although the tape was admitted under certain 7813

1 circumstances for the truth of the matter.
2 So your request is denied. That's the
3 second time I've denied it.
4 All right. Let's bring in the jury.
5 MR. SANGER: Your Honor, could I --
6 THE COURT: No.
7 MR. SANGER: I don't mean to argue -- okay.
8
9 (The following proceedings were held in
10 open court in the presence and hearing of the
11 jury:)
12
13 THE COURT: You may proceed.
14 MR. MESEREAU: Thank you, Your Honor.
15 Q. Mr. Moslehi, I believe you testified that
16 you had approximately six or seven meetings with the
17 Arvizo family at various times. Does that sound
18 right?
19 A. Approximately.
20 Q. Okay. And I believe you testified that
21 Janet Arvizo told you in the phone conversation of
22 the 19th of February, 2003, that she was being
23 hassled by the media; is that right?
24 A. That's correct.
25 Q. And she was not happy about that, correct?
26 A. That's correct.
27 Q. And in your interviews with representatives
28 of the Santa Barbara Sheriff's Department, you have 7814

discussed your various discussions with Janet,
correct?
A. Could you refresh my memory?
Q. Sure. Sure. Maybe I'm not being clear.
In your interviews with representatives of
the Santa Barbara Sheriff's Department, you have
discussed conversations you had with the Arvizos,
correct?
A. Janet and the kids?
Q. Yes.
A. Yeah.
Q. And in your discussions with representatives
of the prosecution, you have discussed conversations
you had with the Arvizos, right?
A. Sure.
Q. At no time did Janet Arvizo tell you she
thought she was going to be murdered, right?
A. No.
Q. She never said that to you, right?
A. No.
Q. At no time did Janet Arvizo tell you there
were death threats on she and her family, right?
A. That's correct.
Q. At no time did Janet Arvizo tell you she or
her family were being falsely imprisoned, right?
A. That's correct.
Q. At no time did Janet Arvizo ever complain to
you that Mr. Jackson was giving alcohol to her 7815

1 children, right?
2 A. That's correct.
3 Q. At no time did Janet Arvizo ever complain to
4 you that Mr. Jackson was improperly touching any of
5 her children, right?
6 A. That's correct.
7 Q. At no time did Janet Arvizo tell you her
8 children were being abused by Mr. Jackson, right?
9 A. That's correct.
10 Q. At no time did Janet Arvizo ask you to call
11 the police on her behalf, right?
12 A. That's correct.
13 Q. Now, you testified that at Mr. Jackson's
14 request, you did a video at Neverland called
15 Neverland Channel, right?
16 A. That's correct.
17 Q. And was it your understanding that was
18 supposed to be a videotape featuring Star Arvizo as
19 sort of the narrator?
20 A. Well, initially my understanding was that
21 we're going to do a pilot - a pilot is like a sample
22 of an idea in a video format - of an idea that Mr.
23 Jackson have.
24 Q. And you did film that entire video, right?
25 A. That's correct.
26 Q. And the understanding was that Mr. Jackson
27 would pay for your services in filming that video,
28 right? 7816

A. That's correct.
Q. You also testified that you did a video of Mr. Jackson with Gavin, right?
A. The 2000?
Q. Yes.
A. Yeah.
Q. And it was your understanding Gavin was recovering from cancer, correct?
A. Well, Gavin had cancer. I'm not sure whether he was recovering or not, but --
Q. But your understanding is he was ill?
A. Yes.
Q. And your understanding was that Mr. Jackson also agreed to pay for your services in doing that video, right?
A. Customary, sure.
Q. Yes. At no time was it ever your belief that the Arvizos were supposed to pay for any of these videos?
A. That's correct.
Q. Okay. Now, you currently have a lawsuit against Mr. Jackson, right?
A. Unpaid invoices, yes.
Q. Right. You're seeking unpaid invoices and some other benefits, right?
A. Like?
Q. Well, you're asking that invoices be paid. You're also -- 7817

A. Damages.
Q. Yeah. You're also talking about a profits interest that you claim Dieter and Konitzer promised you, right?
A. That's correct.
Q. Now, in your lawsuit, you're also asking for damages related to a -- excuse me. You're also seeking damages related to some footage of what you call "Michael Jackson's Private Home Videos," correct?
A. I believe so.
Q. And that was another FOX special that was done about Michael Jackson, right?
A. I believe so.
Q. And it's your belief that some of your work appeared in that show as well, right?
A. Yes.
Q. And it's your belief that you should be paid for your services in that regard, right?
A. For -- sure.
Q. Yes. Was it your belief that footage you did was going to appear both in the Povich documentary and in another show done by FOX called "Michael Jackson's Home Videos"?
A. No. I was never been informed that there is a second documentary.
Q. Do you know, as you sit here today, whether or not there was a second documentary? 7818

A. I did not know there was a second documentary. Meaning nobody informed me that there's a follow-up, .nother piece of documentary called Michael Jackson's Home Videos.
Q. Did you learn at some point that that had happened?
A. Yes.
Q. When did you learn that there had been a second documentary called Michael Jackson's Private Home Videos?
A. I believe I've learned that watching T.V., been advertised.
Q. Okay. And that show appeared in approximately April of 2003, right?
A. Approximately.
Q. Did you watch that show on television?
A. Yes, I did.
Q. Okay. Your belief is you're entitled to a profit participation in whatever revenues were generated from that show as well, right?
A. Well, I guess we have to talk to my lawyer in regard to that.
Q. Okay.
A. Because that's a technical question. I'm not a lawyer to make that kind of --
Q. Okay. But your lawsuit is currently active, right?
A. It is. 7819

Q. Okay. And your claim is that the agreements you had about being compensated for your services and having a profit participation in these television shows were primarily based on what Dieter and Konitzer told you, right?
A. Well, the invoices, it's part of customary transactions between me and MJJ Productions.
Q. Right.
A. But the percentage was between Ronald, Dieter and me.
Q. Okay. And you don't know whether Dieter or Konitzer ever discussed a profit participation with Michael Jackson, right?
A. With Mr. Jackson himself?
Q. Yes.
A. I'm not sure.
Q. They just told you talk to them and don't talk to Mr. Jackson, right?
A. That's correct.
Q. Okay. Now, I believe you said that approximately February 21st, 2003, Michael Jackson called you to thank you, right?
A. That's correct.
Q. Now, obviously when he called you to thank you, he hadn't seen what you had filmed, right?
A. Filmed what?
Q. Well, the footage you did of the Arvizos, he could not have seen, true? 7820

A. Oh, of the Arvizo family footage.
Q. But nevertheless, he called you and thanked you for what you had done, right?
A. After seeing "The Footage You Were Never Meant To See," I believe that's why Mr. Jackson called me, to thank me.
Q. He was talking about the Bashir footage that you had done; is that correct?
MR. AUCHINCLOSS: Objection; requires speculation.
MR. MESEREAU: I'll rephrase it.
Q. When Mr. Jackson called you to thank you on February 21st, was it your understanding that he was thanking you about what you had done in the Bashir interview?
MR. AUCHINCLOSS: Objection; speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: My understanding for that thank-you call was that Mr. Jackson saw the rebuttal documentary, the entire "Footage You Were Never Meant To See," and because of what I've done --
Q. BY MR. MESEREAU: Yes.
A. -- he's calling to thank me.
Q. But he obviously, at that point, had never seen your film of the Arvizo family, right?
A. No.
Q. Because you had control of that, right? 7821

A. That's correct.
Q. You had never released that, right?
A. That's correct.
Q. And he was thanking you for what was on that Maury Povich documentary, true?
MR. AUCHINCLOSS: Objection; asked and answered.
THE COURT: Sustained.
MR. MESEREAU: No further questions, Your Honor.
THE COURT: Counsel?
MR. AUCHINCLOSS: Thank you, Your Honor.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. During the period of time that you were working with the Arvizos on this rebuttal film, you've told us about Christian Robinson, Brad Miller, Paul being present, Vinnie being present, you and your crew.
As far as you know, was anybody else involved in this rebuttal video?
A. Being involved or being present at my house?
Q. That's a good question. Let's add a few names.
You mentioned that Frank was involved in it; is that correct?
A. He was involved with it, yes. 7822

Q. And Mr. Schaffel was involved in it?
A. That's correct.
Q. And Mr. Konitzer was involved in it?
A. I'm -- sure.
Q. He talked to you about it, right?
A. I think most of the conversation was going through Dieter than Ronald in regard to that.
Q. Was Ronald present in that conversation?
A. It was a phone conversation, so I don't know whether Ronald was listening to that or not, or whether they had conversation within themselves.
Q. Okay. But you also mentioned a conversation you had in Florida with Ronald and Dieter?
A. That's correct.
Q. Did they discuss filming the rebuttal film at that time?
A. At that time, the discussion was about what I had already filmed of Martin Bashir.
Q. Okay.
A. There was nothing on the table as far as project goes.
Q. Okay. So as far as the project goes, they just told you to talk to Mr. Schaffel?
MR. MESEREAU: Objection. Leading; assumes facts not in evidence.
MR. AUCHINCLOSS: I'll strike the question.
Q. So as far as the project goes, what did they direct you to do? 7823

A. Once we discussed what I have as far as the footage that I shot of Martin Bashir interview with Mr. Jackson, and once we agreed to certain terms, they informed me and advised me to go to L.A. and talk to Marc Schaffel.
Q. Okay. And the purpose of this, you've testified, was to make Michael Jackson look good ultimately, the whole rebuttal film?
A. That's correct.
Q. Okay. So other than the names I've mentioned, were -- were there any other people involved in this enterprise of making the entire rebuttal film, as far as you know?
A. Um -- okay, can we go through those names one more time? Just so I don't misunderstand.
Q. Okay. Mr. Jackson, Ronald, Dieter. We've got Mr. Schaffel, Frank, Vinnie, Christian, Paul --
MR. MESEREAU: Objection to the question. I don't think it's -- I think it's a compound question.
MR. AUCHINCLOSS: I'm asking him for other names.
THE COURT: He's clarifying an earlier question.
Overruled. Go ahead.
Q. BY MR. AUCHINCLOSS: Paul. Brad Miller. You and your crew.
A. Well, there was another production company 7824

called Brad Lachman Productions --
Q. Okay.
A. -- which FOX hired to put the final editing together.
Q. Very good. Anybody else other than that?
A. Not that I remember right now.
Q. When you were engaging in the production or the putting together the various videos that were going to make up this rebuttal film, what were the issues that you were trying to address specifically?
A. Comments that Martin Bashir made on his own documentary.
Q. Were there comments that Mr. Jackson himself made that you were attempting to address?
A. On the Martin Bashir documentary?
Q. In your rebuttal, yes.
A. Well, we tried to clarify certain statements that Mr. Jackson made which, for example, if Martin Bashir would have continued rolling, I mean, or editing that -- let me try this again.
Q. Sure.
A. There were certain statements that were made by Mr. Jackson in the Martin Bashir documentary --
Q. Uh-huh.
A. -- that the way it was edited, what happened is Mr. Jackson sounded different than if they would have continued another two or three seconds of that statement. 7825

Q. Give me an example.
A. Um -- um --
THE COURT: Counsel, I have to ask a question. Why are you going into an area that I told the defense they couldn't go into?
My objection's sustained.
MR. AUCHINCLOSS: Okay. Thank you, Your Honor. I'll move on.
Q. What was the level -- well, let me ask you this: Was there any sense of urgency in the creation of this rebuttal film?
MR. MESEREAU: Objection; vague.
THE COURT: Overruled.
You may answer.
THE WITNESS: We tried to get it as soon as possible.
Q. BY MR. AUCHINCLOSS: Okay. And why was that?
MR. MESEREAU: Objection; foundation.
THE COURT: All right. I'll sustain the foundation objection.
MR. AUCHINCLOSS: Okay.
Q. Do you know why there was a sense of urgency in creating this film?
A. My opinion? Or was there any discussion from any party?
Q. Did you discuss the timing issues of this film with any of the people that I've mentioned 7826

previously that were involved in it?
A. Well, once this project was sold to FOX,
they set up a date, deadline to be aired.
Q. Okay.
A. So basically, based on that date, we'll try
to squeeze everything in there and finish it.
Q. And that date was?
A. February 20th.
Q. Midnight February 20th; is that right?
A. Well, the deadline to provide the footages
was I believe the 19th, February 19 of 2003, to be
aired on February 20th, 2003.
Q. In terms of the Martin Bashir special, was
there any editing done by Mr. Bashir that was
problematic, that you saw, that misrepresented Mr.
Jackson's statements about him sleeping with
children?
MR. MESEREAU: Objection. Foundation;
leading; Court order.
THE COURT: The objection is sustained.
It's the area I told you not to go into.
MR. AUCHINCLOSS: All right.
Q. Was that area one of the areas that you felt
you needed to work on?
MR. MESEREAU: Same objection.
THE COURT: Sustained.
MR. AUCHINCLOSS: All right.
Q. As far as the -- I want to talk now about 7827

the activities that occurred at your home when the Arvizos were being filmed.
You mentioned that Janet was -- expressed some reluctance to sign this release; is that correct?
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did Janet express any reluctance to sign this release?
A. What I saw is that there was a con -- a conversation and a discussion between Janet and Vinnie and other parties about this release or document that was presented to her.
Q. Did that discussion cause any delay in the shooting of the filming?
A. A little bit. A little bit.
Q. How many minutes of delay, would you say, if you can characterize it?
A. I would say 15 minutes.
Q. And you said that Vinnie used your phone number?
A. My fax.
Q. Your fax number.
A. Or they could have used my phone, too.
Q. Do you know if he used your phone number?
A. To call somebody?
Q. Yes. 7828

A. I remember my phone being used, but I didn't know who's calling who or what. But I remember my phone being used.
Q. Do you know the number (310) 283-5866?
A. That's my cell phone number.
Q. That's your cell phone number, okay.
As far as the use of your fax machine, do you know if Vinnie made any documents that came from your fax machine?
A. I believe that he either received or send some faxes through my machine.
Q. When Janet had finished with negotiating or talking with Vinnie, Christian and Paul, you mentioned that Vinnie, Christian and Paul seemed happy previously, correct?
A. It seemed to me that the matter has been resolved, but --
Q. Did Janet seem happy, or could you tell? You tell me.
A. Well, when we started filming, she appeared happy. But I don't know, prior to, whether or not she was happy or not. I don't know.
Q. Was there a change in her demeanor from before filming to when the cameras started rolling?
A. Repeat that one more time.
Q. Was there a change in her demeanor from before the cameras were rolling and she's in your home for this however -- I guess you said it was 7829

over an hour -- to the time the cameras started rolling, was there a change in Janet's demeanor?
A. She seemed more energetic when the cameras are rolling.
Q. You were asked if you saw any coaching, and you said, "No."
A. Not that I remember seeing any coaching.
Q. Do you know if she was coached?
A. I don't know that.
Q. Do you know whether or not -- did you keep your eye on her the entire time that she was in your house?
A. The entire house? No.
Q. Was there an opportunity for her to be coached?
MR. MESEREAU: Objection. Foundation; calls for speculation.
THE COURT: Calls for a conclusion.
Sustained.
Q. BY MR. AUCHINCLOSS: You mentioned that you went to Neverland at one time for the filming of 60 Minutes, correct?
A. Yes.
Q. And was that cancelled?
A. Yes.
Q. Do you know why?
A. I don't.
Q. As far as the entire documentary, this 7830

rebuttal documentary, you mentioned that you were to receive some points?
A. Percentage.
Q. A percentage?
A. Yeah.
Q. When you spoke to Ronald and Dieter, was it contemplated that this documentary was a for-profit enterprise?
A. For profit?
Q. Yeah, would make money.
A. Sure.
Q. Do you know if it made money?
A. I think it did, yes.
Q. Do you know how much it made?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Do you know how much -- was there any discussion about how much this documentary was anticipated to make with Dieter and Ronald?
A. Well, FOX --
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you have a discussion with Dieter and Ronald about the profitability or the amount of money that this documentary or rebuttal could make?
A. Did I have any conversations with them that 7831

this documentary will make -- well, we knew there was going to be some money made off of it.
Q. Yes.
A. But we didn't know how much at the time.
Q. Did you have an idea?
MR. MESEREAU: Objection. Foundation and Court order.
MR. AUCHINCLOSS: It's a "yes" or "no."
That's fine, Your Honor. I'll move on.
Q. Now, as far as the -- the Arvizos being taken off -- the Arvizo children being taken off of Neverland, you answered a few questions for counsel concerning that issue when you took the children off Neverland.
And you said there was a period of time, I believe it was about a half an hour, between when you first talked to Joe Marcus and he said the children were not allowed off the property and the time when you actually left; is that right?
A. I believe so, yeah.
Q. Did you see where he went during that half hour at all?
A. No, I didn't.
Q. If you wanted to contact Mr. Jackson when he was away from Neverland, how would you do it?
A. I would either call his bodyguards or his office.
Q. Okay. Why would you call his bodyguard? 7832

A. Well, that's the fastest way to get to Mr. Jackson.
Q. Does Mr. Jackson carry a cell phone?
A. I don't believe so.
Q. Do his bodyguards carry cell phones?
A. I think they do.
Q. Have you seen this?
A. Yes.
Q. If he wants to make a call, do you know what he does in terms of use of a cell phone?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Have you seen Mr. Jackson ever use a cell phone?
MR. MESEREAU: Objection. Foundation; calls for speculation; beyond the scope.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Have you seen Mr. Jackson ever use a cell phone over the years you've known him?
A. Dialing it, or just talking on it?
Q. Talking on it.
A. I've seen him talking on the cell phone.
Q. Whose cell phone would he use?
A. I'm assuming his bodyguards', but I can be wrong.
Q. Okay. So after this half hour passed and you left the property, did Joe Marcus offer any 7833

1 resistance?
2 A. No.
3 Q. Did he seem to be okay with you taking the
4 children off property?
5 A. Sure.
6 Q. You said that you had a conversation at
7 Neverland with Mrs. Arvizo, and your sense was that
8 she approved of you taking the children to your
9 home. I believe that was your testimony. You
10 correct me if I'm wrong. Is that accurate?
11 A. If I remember correctly, after I had a
12 conversation with her, my understanding was that
13 she's going to participate in this rebuttal
14 documentary, but she's not going to be at Neverland,
15 so therefore we went to L.A.
16 Q. Okay. So that was on the evening of
17 February 19th?
18 A. That's correct.
19 Q. And your deadline was midnight on February
20 19th; is that correct?
21 A. That's correct.
22 Q. Was an arrangement made with Brad Lachman
23 Productions that if you got the Arvizo film to them
24 by midnight, they would still be able to incorporate
25 it into the final production of the rebuttal film?
26 A. If I remember correctly, if we had any
27 additional or new footage that we wanted to put into
28 this documentary, should be delivered no longer than 7834

1 midnight 19 -- February 19.
2 Q. Okay. If you delivered it on February 19th
3 before midnight, was it your understanding there was
4 still time to get it into the final version?
5 A. Yes.
6 Q. And your testimony is that you didn't make
7 that deadline?
8 A. Yes, we missed that.
9 Q. When you originally talked with Dieter and
10 Ronald about being paid the money that you were
11 owed, was it understood that upon the completion of
12 the Arvizo film, you would be paid, the filming of
13 the Arvizos?
14 A. Upon airing "The Footage You Were Never
15 Meant To See."
16 Q. Okay. And the Arvizo footage was just part
17 of that?
18 A. That's correct.
19 Q. All right. Did you anticipate that you
20 would be getting a payday - in other words, a
21 payment of all the money that was owed to you -
22 after the 20th of February?
23 A. I was expecting the 21st, by midday, I would
24 receive my payments in full, plus what they promised
25 me.
26 Q. Okay. Are you aware of whether or not this
27 documentary was also sold all over the world?
28 A. It is sold all over the world. 7835

Q. Okay. This rebuttal film was sold all over the world?
A. That's correct.
Q. In terms of the filming of the Arvizos, the footage that you obtained, is this footage -- was this footage at the time, did you consider it to be valuable?
MR. MESEREAU: Objection; vague.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: At the time that this footage was filmed, you understood that it was not going to make it into the Brad Lachman production, correct?
A. Well, I was hoping that I can get it done by midnight.
Q. Okay.
A. But once we passed the deadline, I figured it's not going to happen.
Q. And you shot it anyway because of what?
A. Well, because I was told to, and also I wanted to do my job. I mean, I had a responsibility and I wanted to do that.
Q. And who specifically told you to shoot that footage?
A. I believe it was arranged through Marc Schaffel and Dieter, those people.
Q. Did you discuss with anybody the fact that you weren't going to make the deadline and that you 7836

1 should go ahead and shoot it anyway?
2 A. I don't remember discussing the deadline
3 with anyone. This was just in my mind.
4 Q. Okay. So that was your decision to go ahead
5 and shoot it anyway?
6 A. Well, I figured since I had my crew and
7 equipment ready, if they are happy to participate,
8 get it done at least.
9 Q. Was there a discussion at the shooting about
10 the deadline; that it had to be done by midnight?
11 A. I think I mentioned to one of these guys
12 that, Guys, we're not going to make it anyway.
13 But --
14 Q. Do you know if either Christian or Paul or
15 Vinnie knew about the deadline?
16 A. I'm not sure about Vinnie, but I'm sure
17 Christian and Paul should have known about the
18 deadline.
19 Q. And I believe your testimony is that
20 Christian wanted the video to take with him?
21 A. They wanted to take the tapes that night,
22 yes.
23 Q. Even though it was too late to put it on
24 the --
25 A. That's correct.
26 Q. All right. If you -- are you familiar with
27 the value of footages such as this, you know,
28 footage concerning a family that is of public 7837

1 interest on the open market?
2 MR. MESEREAU: Objection. Vague; Court
3 order.
4 MR. AUCHINCLOSS: I'm unfamiliar with the
5 Court order, but --
6 THE COURT: I'll sustain the objection. It's
7 the restrictions I've placed on financial
8 information.
9 MR. AUCHINCLOSS: All right.
10 Q. You testified that you gave Janet Arvizo
11 $2,000, considered it a loan, and were asked a
12 number of questions about financial conditions
13 involving Janet Arvizo.
14 Would it have made any difference to you in
15 giving Janet Arvizo this $2,000 if you learned that
16 some people gave her some money three years earlier
17 based upon Gavin's illness? Would that have made
18 any difference to you?
19 MR. MESEREAU: Calls for speculation and
20 misstates the evidence.
21 THE COURT: Overruled.
22 You may answer.
23 THE WITNESS: Um, can you repeat the
24 question one more time?
25 Q. BY MR. AUCHINCLOSS: My question is, you
26 gave her this $2,000.
27 A. Okay.
28 Q. You previously stated you were concerned 7838

about Janet. Her world was upside down is what you've said.
Would it have made any difference, would it have prevented you from doing this act of generosity or kindness if you knew that years earlier she had received some money for charitable -- from charitable individuals to help Gavin? Would that have made any difference?
A. I believe, depending on the timing and the amount of money, it could have been.
Q. Okay. So let's say she got $20,000 to help Gavin with his illness in terms of creating a safe room for him, that type of thing.
A. Three years prior?
Q. Yeah. Would that have made any difference to you?
A. For 20,000 three years prior, no.
Q. And what about if she got a civil judgment for about 30,000 three years prior, would that have made any difference?
A. Three years --
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: Three years, 30,000, no.
Q. BY MR. AUCHINCLOSS: Okay. You were asked if she told you some things about her circumstances 7839

at the time. Did Janet confide in you anything
other than the fact that her world was upside down
at that time?
A. I don't remember.
Q. Okay. Did you have a relationship with
Janet where she would sit down and confide with you
details about her problems, other than what you've
stated?
A. Did I have a relationship? Such as --
Q. Is she the type of person that would sit
down and confide in you personal things?
A. I believe because I worked with her kids a
lot during a few other productions, she kind of felt
comfortable to just empty herself of whatever she
had in mind, I guess, at that time.
Q. And did she do that in that phone
conversation with you at Neverland?
A. Did she did that on that conversation?
Q. Yeah. That you had when you were at
Neverland.
A. I believe the way she was expressing her,
you know, personal life matters, in this case being
upside down because of the media, I felt like, you
know, she needs a shoulder to cry, kind of things.
Q. Did she do that any other time?
A. No.
Q. When you were -- well, I want to go through
this time period of February 20th to the 21st. And 7840

I want to talk particularly about your conversation with Mr. Jackson on that.
First of all, when you talked to Mr. Jackson after the filming -- or after the airing of the rebuttal film, you mentioned that you talked to him about some financial problems that you were having with him and his production company.
A. I believe what I discussed with him is that my invoices are not being paid.
Q. Yes.
A. And also some other issues.
Q. Did you talk to him about the fact that you were also promised some -- a percentage of the rebuttal film?
A. I don't think I went that far. But I just wanted to keep it simple and, you know, short with him, just so, you know, whomever he needs to call, please call, because I'm not being paid.
Q. Did you explain that you hadn't been paid in years, or over a year, I guess it was?
A. I'm not sure whether I mentioned the period of time that I'm not getting paid, but I said that my invoices are not being paid, and I --
Q. Did you mention the amount of money that was owed to you?
A. I don't remember.
Q. Okay. And what did he tell you to do about these problems? 7841

A. He asked me to call David LeGrand, his lawyer.
Q. And did you call David LeGrand?
A. Yes, I did.
Q. And you told him about the problems?
A. Well, he knew the problem. I told him that, "Mr. Jackson wants to talk to you, so why don't you call Mr. Jackson."
Q. Okay. Did you mention to him that it was about finances?
A. I -- well, I don't remember specifically on that conversation whether I spoke or not. But during the day, during the whole entire day, I'd been calling them and asking, you know, "What is it with my payment?" So they were well aware of that I'm not being paid, that they have not made the payment.
Q. Sometime later in the day, did you receive a fax from David LeGrand that same day?
A. I believe it was the 21st, yes.
MR. AUCHINCLOSS: If I may approach, Your Honor.
THE COURT: Is that a marked exhibit?
MR. AUCHINCLOSS: Yes, it is.
Q. Mr. Moslehi, I show you Exhibit No. 851. Appears to be a two-page document with a fax page on the first, and the top being -- at the top of each page are the words "Hale Lane." 7842

Do you recognize that document?
A. Yes, I do.
Q. What is it, please?
A. This is a letter from David LeGrand dated February 21st, 2003. It was faxed to me. And is telling me that my services are no longer required. And then also Mr. Weizner and --
MR. MESEREAU: Objection; hearsay.
Q. BY MR. AUCHINCLOSS: Okay. I'll ask you, is this the document that you received from Mr. LeGrand in response to your conversation with him that he should call Mr. Jackson?
A. That's correct.
Q. And was a copy of this letter -- does this letter indicate a copy was sent to Mr. Jackson?
A. Um --
MR. MESEREAU: Foundation.
THE WITNESS: It says carbon copy --
THE COURT: Just a moment.
THE WITNESS: I'm sorry.
MR. AUCHINCLOSS: This is offered as foundation.
THE COURT: All right. Overruled.
Q. BY MR. AUCHINCLOSS: Does it indicate that a copy was sent to Mr. Jackson?
A. This letter is signed by David LeGrand and it's carbon copy, cc, to Michael Jackson, Ronald Konitzer, John Genga. 7843

Q. And the facsimile page on the front, the first page, does it also indicate that copy was sent to Mr. Jackson at Neverland Valley Ranch?
A. That is correct.
MR. AUCHINCLOSS: All right. Offer 851 into evidence, Your Honor.
MR. MESEREAU: Objection. Foundation and hearsay.
THE COURT: I need to see the document.
MR. AUCHINCLOSS: Yes. It is offered as an authorized admission, as well as it is offered for nonhearsay purposes to show knowledge on behalf of the defendant.
There is one further authentication issue that I will mention; that this is defense discovery to the People, so this is a copy of a document that's in the defendant's possession.
THE COURT: That doesn't authenticate anything.
The only foundational issue that I just have a quandary about is how he knows that this is from -- who it purports to be from.
MR. AUCHINCLOSS: It's a response to --
THE COURT: No, how the witness knows, not how you know.
MR. AUCHINCLOSS: No, I mean his testimony is that he called Mr. LeGrand that day and received this letter. 7844

THE COURT: I'd like to hear from -- I'll allow you to -- before I rule on the foundation issue, I'll allow you to ask him any other questions you have on that issue to --
MR. AUCHINCLOSS: Thank you.
THE COURT: -- authenticate that.
Q. BY MR. AUCHINCLOSS: Mr. Moslehi, how long after the conversation with Mr. LeGrand on the 21st -- first of all, let me ask you, did you receive this communication, Exhibit 851, before or after you spoke to Mr. LeGrand on the phone?
A. After.
Q. How much time after?
A. A few hours.
Q. And this document references a communication regarding future -- your business affairs that is -- that you are to have with Dieter Weizner and Ronald Konitzer on February 24th, 2003. Are you aware of that?
A. I'm sorry, um --
Q. If I may show you the exhibit again. Page two, paragraph two.
MR. MESEREAU: Objection. I'm not sure what the procedure is.
THE COURT: Excuse me.
MR. AUCHINCLOSS: Well, I'm --
THE COURT: Why are you showing him the document? 7845

MR. AUCHINCLOSS: I'm sorry. I'm sorry.
I'll go about it the proper way.
Q. Would -- does this letter have a paragraph
in this indicating that you are to communicate with
Ronald Konitzer and Dieter on February 24th, 2003?
A. Yes, it does.
Q. Did you communicate with them on that date?
A. And prior, yes.
Q. Did you discuss this letter with them?
A. Yes, I did.
Q. Did they appear to understand and know about
it?
A. They were playing games with me.
Q. Okay. But did they pretend that they didn't
know about this letter, or did they --
MR. MESEREAU: Objection. Leading;
foundation.
MR. AUCHINCLOSS: I'll strike the question.
THE COURT: Sustained.
MR. AUCHINCLOSS: May I ask the next
question?
THE COURT: Yes.
Q. BY MR. AUCHINCLOSS: What do you mean they
were playing games with you?
A. I would call Dieter, and Dieter would say
call Ronald, and they were not responding to my
phone calls properly. And they told me this was
probably a misunderstanding, or -- you know, games. 7846

Q. All right.
A. They were not sincere about their statements or, you know, whatever they had in mind.
MR. AUCHINCLOSS: I would offer 851 into evidence at this time.
MR. MESEREAU: Same objection.
THE COURT: How did you know that that letter came from Mr. LeGrand?
THE WITNESS: Because it was faxed from his office, and it had a cover sheet and it's signed by Mr. LeGrand.
THE COURT: Did you recognize that signature?
THE WITNESS: I believe it was the first time I saw Mr. LeGrand's signature, but I had every reason to believe that that was from Mr. LeGrand.
THE COURT: All right. I'm going to reserve ruling on that. I have some problems with your foundation.
MR. AUCHINCLOSS: Okay. I'll ask a couple more questions along those lines.
Q. Have you subsequently received any faxes from Hale Lane, Attorneys at Law?
A. After that?
Q. Yes.
A. Yes, I have.
Q. Did they look identical in terms of the appearance of the fax letterhead?
A. Yes, they did. 7847

Q. Have you subsequently received letters from David LeGrand?
A. After that one?
Q. Yes.
A. I believe maybe I received one or two, and then he started communicating with my lawyer.
Q. Okay. As far as those letters go, did they match, did the signature match?
A. I never tried to look into the signature, see if it matches. Once I received that letterhead, I had every reason to believe that it's coming from David LeGrand.
Q. Did you -- this is a fax letter with a fax letterhead. Did you subsequently receive this letter by way of U.S. Mail?
A. I don't believe so.
MR. AUCHINCLOSS: Okay. Thank you. No further questions.
THE COURT: All right.
MR. MESEREAU: May I see that exhibit?
MR. AUCHINCLOSS: Uh-huh.

RECROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Moslehi, if you had known that Janet Arvizo was living with someone who earned close to $80,000 a year, would you have loaned her that $2,000? 7848

MR. AUCHINCLOSS: Objection; assumes facts.
THE COURT: Overruled.
You may answer.
THE WITNESS: If I knew that Janet Arvizo
was living with another husband or just a person
that has $80,000?
Q. BY MR. MESEREAU: Who was supporting her and
who earned close to $80,000 a year, would you have
loaned her the 2,000?
A. Well, at the time, my state of mind was
different. I don't know. Today, probably not.
Q. Okay. Now, the letter that the prosecutor
just showed you, which purports to be from the Hale
Lane law firm, is dated February 21st, 2003, right?
A. That's correct.
Q. And you claim you did receive this letter,
right?
A. That's correct.
Q. And in the letter, you were asked to return
tapes, photos and other property of MJJ Productions
by a certain date, correct?
A. Yes, it is.
Q. The date you were supposed to return those
properties was February 24th, 2003, correct?
A. I -- I'm not sure. I don't have it in front
of me, but if you say so, I take your word.
Q. Okay. And the letter suggested that your
invoices will be addressed, correct? 7849

A. I'm not looking at the document, but if you say so, I take your word.
Q. And at some point after this letter was received, you obtained or received payment of $200,000, correct?
A. I believe a month after I received that letter, approximately a month after, I received.
Q. So approximately late March 2003, you received payment of $200,000, true?
A. That's correct.
Q. You never returned the tapes or photos referred to in the letter, true?
A. What does it refer in the letter?
Q. Any tapes, photos or other property of MJJ Productions, or Michael Jackson or his affiliates.
A. I don't -- after 21st, I don't believe so.
Q. Okay. To date, you haven't turned over all the tapes you did for Mr. Jackson, true?
A. Since my invoices were not paid in full, no.
MR. MESEREAU: Okay. No further questions.
THE COURT: Was that 851 that you were quoting from?
MR. AUCHINCLOSS: Yes.
THE COURT: All right. I'll admit it.
MR. AUCHINCLOSS: No further questions.
MR. SANGER: Your Honor, we do have a motion, and it probably ought to be heard before this witness leaves the general vicinity. 7850

THE COURT: You have no other questions of this witness?
MR. MESEREAU: No, Your Honor.
THE COURT: And you have no other questions?
MR. AUCHINCLOSS: No.
MR. SANGER: Depending on the ruling on the motion.
THE COURT: Is it a motion that you already tried to make this morning?
MR. SANGER: No. No, Your Honor.
THE COURT: Why don't you approach and tell me what it is.
(Discussion held off the record at sidebar.)
THE COURT: What I'm going to do is require that the witness remain at the courthouse, and call your next witness.
I think the way we'll handle this, the motion that the defense wishes to make, is that we'll stop a few minutes early so the jury gets a longer lunch, and we'll listen to the motion.
Come forward, please. When you get to the witness stand, remain standing.
Face the clerk and raise your right hand.

TERRY PAULSEN
Having been sworn, testified as follows:

THE WITNESS: I do. 7851

THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name is Terry Paulsen. T-e-r-r-y; P-a-u-l-s-e-n.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning.
A. Good morning.
Q. Would you mind scooting up by that microphone, please?
A. Okay.
Q. And swivel that towards your mouth so that everybody can hear you.
How are you this morning?
A. Fine.
Q. Ms. Paulsen, who are you employed with?
A. Huntel Systems.
Q. What is your position with Huntel Systems?
A. I'm a senior billing analyst.
Q. How long have you been working in that capacity with Huntel?
A. 27 years.
Q. And are you here today as the custodian of records for some documents from Huntel Systems?
A. Yes.
Q. What kind of documents? 7852

A. They're phone calls made from an aircraft, telephone calls.
Q. Air-to-ground telephone calls?
A. Yes.
Q. Pursuant to a search warrant, did you provide the documents that I'm going to hand you marked as Exhibit 850, previously shown to counsel?
A. Yes, these are ones I provided.
Q. Could you describe those documents briefly for the jury, please?
A. It's phone calls made from an aircraft on February 7th, 2003.
Q. And the company that bill was sent to?
A. It was sent to Xtra Jet out of Santa Monica, California.
Q. With respect to the contents of that exhibit, is that generally a phone bill?
A. Yes, it is.
Q. Okay. And is your company a company that bills for phone calls made from aircraft to the ground?
A. Yes.
Q. Does the document reflect information that's made in the regular course of the business of Huntel?
A. Yes, it is.
Q. And Huntel is a telecommunications provider?
A. Huntel is -- we're the billing vendor. 7853

Q. Okay. Is it part of your business to keep track of the kind of records that you're --
A. Yes, it is.
Q. Okay. Now, the entries in the phone record, do they begin on a particular page in that exhibit?
A. They begin on page four.
Q. Okay. Is there a page two or a page three in Exhibit 850?
A. No, there is not.
Q. Okay. Do you recall what is actually contained in the record of page two and three?
A. One of it is just information on paying your bill by a credit card. The other was phone calls that did not pertain to the date that we were requesting to provide.
Q. Is it customary to provide only what is reflected in the search warrant, as far as your company is concerned?
A. Yes.
Q. And their request was for February 7th, 2003?
A. February 7th or 8th, but there weren't calls on the 8th.
Q. Is the information on that document relied upon by your company in the regular course of its business?
A. Yes, it is.
Q. Okay. And do you rely on it being accurate? 7854

A. Yes, I do.
Q. And briefly describe for the jury how the information in those phone records is generated.
A. When a customer makes -- or is flying in an airplane and they make a call, it goes from the airplane to a ground station, out a landline to the party that's being called. And when the call's completed, then the ground station records that in its memory.
And once a week, we go into the system, we -- through a modem telephone line, computer program, we get that information out. And once a month, we process that into a telephone bill so it puts it in a format that can print on a bill, reads the information that's taken from the ground station.
Q. Does the ground station have an identifying number that shows up on the bill?
A. Yes, it does.
MR. NICOLA: And, well, Your Honor, at this time I would offer 850 into evidence as a business record.
MR. SANGER: No objection.
THE COURT: It's admitted.
Q. BY MR. NICOLA: What I'm going to do, Miss Paulsen, is use the Elmo.
Input 4, if you don't mind, Your Honor.
THE COURT: All right. 7855

Q. BY MR. NICOLA: If you would turn to line 25, I would just like to show you a sample line from this. If you could just start with the number 25 and explain to the jury what the items mean as you go from left to right as you look at the exhibit, please.
A. Okay. Each call has its own item number. The date would be 2-07; would be it was made February 7th. They called El Monte, California. The phone number, the 626 number, is the number that they called. 6:57 p.m. is the time that they hung up from the call. So the call was made one minute prior to that, and one minute tells you how long the call lasted.
□CCD□ just means, years ago when these numbers were issued to companies, they were called calling cards. So it just -- □CCD□ is calling card.
Then the -- there's two charges per phone call, or the call's broken out into two different sections. One is the land time, and that's from the time, if I called you, you picked up the phone. From the time you pick up the phone till you hang it up, that's the land time.
The air time is what is actually charged, and that's the time from when I pick up the phone in the airplane and I hang up the phone. That's the air time. So there's two different times.
And you can tell by the time of day or by 7856

the number called which two calls go together. So in this case, Call 25 and 26 would go together. It was made over Troy, Alabama, and the phone number under that would be the phone number for Troy, Alabama.
Q. Is the number for the Troy, Alabama, place a ground station?
A. Pardon?
Q. Is that what you would call a ground station?
A. The ground station phone number.
Q. How does the wireless phone on the aircraft decide which ground station it's going to repeat at; do you know?
A. Okay. As you're flying, the transmitter in the phone will pick up the strongest signal on the ground station. The ground station sends up signals, and it picks up the strongest one. So you don't have a choice of what station you're going through. It just picks it up and places a call. So if you're flying near Troy, it's going to pick up the Troy, Alabama, ground station.
Q. Now, with respect to the date stamp specifically on Item 25, it says 6:57 p.m. Is that 6:57 p.m. in any particular time zone? Or can you explain that for the jury, please?
A. The time zone is the time zone that the ground station is located in. So if you're flying 7857

over Troy, Alabama, that would be the time of day at Troy, Alabama. If you're flying over Los Angeles, California, it would be the Los Angeles time, so there could be a difference in the time zones.
Q. Okay. Miss Paulsen -- I wasn't done with the Elmo.
If I could direct your attention, please -- and if I could have "Input 4" again, Your Honor -- to Line No. 40.
A. Okay.
Q. And is that a call placed to Santa Ynez, California?
A. Yes.
Q. You can read the area code and the number, please.
A. The area code is (805) 688-9979.
Q. And the time of that call, please?
A. Is 8:39 p.m.
Q. And where is the aircraft now?
A. The aircraft is over Artesia, New Mexico.
Q. Okay. Could you please flip to the second page of the exhibit?
A. Page five?
Q. Yes. And just tell the jury what time the last call was recorded from that aircraft.
A. Line Item 71?
Q. Yes, please.
A. It was placed at 9:28 p.m. on February 7th 7858

1 over Grand Canyon, Arizona.
2 MR. NICOLA: Okay. Thank you, Miss Paulsen.
3 No further questions, Your Honor.
4 MR. SANGER: Could I have that?
5 MR. NICOLA: Certainly.
6 MR. SANGER: Just leave it up on the thing.
7 MR. NICOLA: Oh, on the --
8 MR. SANGER: Your Honor, I'm going to put
9 this back up on the Elmo and....
10
11 CROSS-EXAMINATION
12 BY MR. SANGER:
13 Q. Okay. It's your understanding that this
14 reflects telephone calls made from an airplane that
15 are eventually connected through to some landline
16 somewhere, correct?
17 A. Yes.
18 Q. And when I say landline, it could be
19 connected to a cell phone ultimately; is that right?
20 A. It would still go through a landline to a
21 cell phone. I mean, it goes out the ground station,
22 however the ground station sends it out.
23 Q. When you're talking about Troy, Alabama,
24 there's some ground station there, and essentially
25 you're now hooked up with the phone system that we
26 would hook into if we pick up the kind of phone we
27 pick up in the courtroom, right?
28 A. Right. 7859

Q. And wherever that phone system then directs the call is the ultimate destination, right?
A. Right.
Q. All right. And so just so we're all clear, you got two lines per call, right?
A. Right.
Q. And the one line shows the number that's called -- actually both lines show the number that's called, correct?
A. Correct.
Q. And then the second line shows the charge to the airline; is that right?
A. Right.
Q. Now, first of all, the billing goes to a particular airplane or a particular company?
A. Particular company.
Q. And so the company that owns the airplane will get the bill?
A. Yes.
Q. All right. Can you tell which airplane that belongs to that company was the source of the telephone call?
A. No, I cannot.
Q. So if an airplane -- private charter airplane company might have several planes, and their phone bill will not distinguish between one airplane and another; is that correct?
A. It will distinguish between one phone number 7860

1 and another, but not one airplane and another.
2 Q. All right. And on the airplane, you have no
3 idea how big these airplanes are; is that true?
4 A. They're private aircraft. I'm -- I would
5 assume like a jet or something, but I do not know,
6 no.
7 Q. Yeah. So you're making some assumptions,
8 but you don't know how many people, for instance,
9 would be on the airplane, right?
10 A. No.
11 Q. And you have no way of determining what
12 person on the airplane made the call, correct?
13 A. No, I don't.
14 Q. So let's assume hypothetically that an
15 airplane had two pilots, 11 passengers, and a crew
16 member. Assume that as a hypothetical. Of those
17 14 people, would you have any way to determine from
18 your records who made these phone calls?
19 A. No.
20 Q. Now, I do note that there are some phone
21 calls, a number of them that are -- if we look at
22 the exhibit, and this is Exhibit 850, I believe; is
23 that correct? You have the actual exhibit in front
24 of you.
25 A. Yes.
26 Q. And what's on the board is a copy of the
27 same exhibit?
28 A. Yes. 7861

Q. So if we look up at the top there where it says, "Minute," or "M-I-N" --
A. Uh-huh, yes.
Q. -- what is the minimum unit of time that will be recorded on your bill?
A. The minimum is -- you'll see there's a couple that are short-term charges that are 20 to 30 seconds. But the minimum usually is 30 seconds. But 20 seconds on.
Q. Okay. So on this particular bill, the minimum that we see on that page -- and I'm taking this off so I can see it up close. The minimum charge -- or, I'm sorry, the minimum recorded in the columns on this exhibit is one minute; is that right?
A. Right. So it rounds up to a minute.
Q. All right. So if there's a shorter call, it's still going to show up as one minute on the -- in that column there; is that correct?
A. Anything over 30 seconds will.
Q. And you also, from this bill, do not know if two people were actually able to talk to each another during these phone calls; is that correct?
A. It will connect. If it doesn't connect, it doesn't register.
Q. Okay. It connects to another phone, right?
A. Right.
Q. Now, this is basically a cell phone in the 7862

air, right?
A. Similar to a cell phone.
Q. And when you're flying and using one of these phones, you have to basically hit the repeater down on the ground in order to make a connection, correct?
Do you know what I mean, or am I using the wrong word?
A. If you can, yeah, rephrase that for me.
Q. Well, you said it's like a cell phone in the air.
A. Right.
Q. So while you're flying along, your signal from the cell phone in the air has to hit --
A. A ground station.
Q. -- the ground station.
And that's called a repeater, is it not, or do you know? Or a cell site?
A. I have no idea.
Q. Okay. Whatever it's called, you got to hit that thing, otherwise it doesn't work, right?
A. Right.
Q. And when you hit it, there are places where you will -- you'll hit it and you'll make a connection, but you will not have a clear enough connection to actually talk; is that correct?
A. There's that possibility, yes.
Q. So it's, in that sense, like a cell phone; 7863

that you can have bad reception, and you can be saying, "Can you hear me now?" And somebody on the other side is saying, "What?" Right?
A. True.
Q. Okay. So you do not know, from all these phone calls, how many actual conversations occurred between human beings where they could hear each other and communicate; is that correct?
A. No.
MR. SANGER: Okay. Thank you very much.
No further questions, Your Honor.

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. You mentioned that sometimes the airline charges will be together and you need to look at the actual time of a call that goes out?
A. Uh-huh.
MR. NICOLA: If I could have the Elmo just one more time, Your Honor.
THE WITNESS: Excuse me.
MR. NICOLA: I think we have an example here, line --
THE COURT: I'm going to break now for the argument.
(To the jury) Go ahead and take your recess.
MR. NICOLA: Oh, the motion. 7864

THE COURT: You may step down.
MR. NICOLA: Step down.
THE COURT: (To the audience) All right.
Please remain seated. There's a motion that's going to be made.
All right, Counsel. Go ahead. Do you want to make your motion?
MR. SANGER: Yeah. (Indicating.)
THE COURT: Oh, I'm sorry.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

MR. AUCHINCLOSS: Your Honor, would you like the witness to leave the courtroom?
THE COURT: No. She may well want to. She's free to do so, but she doesn't -- she's not required.
MR. NICOLA: Are we back in session at 11:45, Your Honor?
THE COURT: At the end of our break, yes. Go ahead.
MR. SANGER: On behalf of Mr. Jackson, we are making a motion for mistrial based on prosecutorial misconduct. And the grounds for that motion for mistrial are that the Court ruled, as Your Honor reminded me, at a 402 motion that we 7865

would not be allowed to play this tape in its -- in the prosecution's case-in-chief.
THE COURT: Correct.
MR. SANGER: I made another motion contemporaneous in time, having felt that it was appropriate to do so. The Court summarily, and I think clearly, denied the motion.
THE COURT: And correctly. No, all right, go ahead.
(Laughter.)
THE COURT: You don't have to say that.
MR. SANGER: I'm going to assert my Fifth Amendment rights on that.
I said that humorously, for the record.
THE COURT: I took it humorously, for the record.
MR. SANGER: Thank you.
The serious part here, though, is that Mr. Auchincloss deliberately overreached. And the harm is, that having -- the Court having made such a clear ruling, he attempted to gain benefit from the Court's ruling that he wasn't entitled to.
Your Honor said we couldn't go into it, so he got up and went into it, and that was clearly inappropriate to start with. And it seemed calculated and intentional. Now, I can't read his mind. But I can't figure out how he could have missed that, after we just had a hearing on it. 7866

Your Honor made an admonition -- and unfortunately my Livenote is not hooked up today, so I can't quote verbatim, but Your Honor has it. You gave an admonition to Mr. Auchincloss not to do that, and you explained to him exactly why; that you had just ruled, and it's not appropriate for him to go into that same area. He persisted and asked at least two more direct questions that just flew right in the face of the Court's ruling.

And the questions were not innocent questions that were going around to try to get to something else. They were even more focused, to telegraph to the jury exactly what he wanted them to hear. And he wanted them to hear that, in his opinion, the issue with regard to, as I think he said, something like sleeping with boys was not one of those areas that this witness felt was unfairly portrayed.

And he knew that he could get away with that because the Court was, at the very least, going to sustain the objection. We already couldn't go into it. There's nothing we could do about it. The bell has been rung, and this jury heard it.

I think the harm is particularly significant, because it's been our position that clearly those statements were the statements that were grossly misrepresented by Mr. Bashir in the way he edited the film. 7867

So as a result of that, a tremendous amount of prejudice has occurred. It was deliberate on the part of the prosecutor. I say that, and that's my interpretation of what I saw. I don't think there's another reasonable interpretation. It's -- there's no other remedy, other than to grant a mistrial and say this is prosecutorial misconduct. It shouldn't have been done. As a result of their willful misconduct, a mistrial has to be granted. And that's our motion.

If the Court denies that, then we would of course ask the Court to entertain some other remedy which I'd ask to be heard on later, but I'm making a motion for mistrial, and I think it should be granted.

Thank you.

THE COURT: Counsel?

MR. AUCHINCLOSS: To begin with, the questions that I was asking this witness about did not focus upon the material that was produced in the video, "The Footage You Were Never Meant To See." And those questions were not designed and obviously were not intended to ask him about what was on that final production.

My question went directly to an issue that defense counsel spent five pages questioning this witness about on cross-examination yesterday. And I have a couple of those items highlighted, and if the 7868

Court would allow me, I'd like to project them from the official transcripts.
THE COURT: Just read them to me.
MR. AUCHINCLOSS: All right. First of all, Your Honor, counsel started by asking the question of this witness:
"And the reason you were being interviewed by Brad Lachman Productions was because the intention was to have some of those parts that you had filmed appear in the rebuttal video, right?"
And I objected. I say, "I'm going to object. Relevancy and beyond the scope.
"Mr. Mesereau: I believe that he opened the entire door, Your Honor.
"The Court: The objection is overruled.
"Mr. Mesereau: In fact, the title of that documentary on television was, "The Michael Jackson Interview: .The Footage You Were Never Meant To See,' right?"
We go on. He questions him extensively about "The Footage You Were Never Meant To See," including charities and Mr. Bashir's remarks.
We get to an area here that's particularly interesting in which counsel says:
"And your belief at that time was that Mr. Bashir had presented a very distorted view of that interview with Mr. Jackson, correct? 7869

Mr. Auchincloss: Objection; calls for a conclusion.
Mr. Mesereau: State of mind, Your Honor.
Mr. Auchincloss: Relevance.
The Court: Overruled.
Now, this is an area that was clearly gone into by the defense, and my questions went directly to that question that defense counsel asked of this witness, that the -- that Martin Bashir presented a very distorted view, and my questions went directly to those remarks.
THE COURT: You went from the general concept, which I allowed, to the specifics, which I was not allowing.
The motion for a mistrial is denied.
All right. We'll take our break.
MR. SANGER: Your Honor, just -- if I may --
THE COURT: I'll let you address the issue of alternative remedies. I thought you said you wanted to do that later.
MR. SANGER: Well, later. Whenever you want.
THE COURT: I will. I'll let you do that.
MR. SANGER: Okay.
(Recess taken.)
MR. MESEREAU: I don't think Mr. Sanger is here, Your Honor. I think he was intending to present some potential remedies to the Court. 7870

THE COURT: Yes, that's what I thought he was going to do.
They're waving at you.
MR. MESEREAU: Oh, okay. No, I said Mr. Sanger doesn't appear to be here, and I think he wanted to present some alternative remedies to the Court. And unfortunately, I don't know where he is.
(Laughter.)
THE COURT: Perhaps we should just call the jury in and we could take up that issue later. Maybe he's doing some research on that.
MR. MESEREAU: Yes, Your Honor. Thank you.
MR. NICOLA: He may wish to recross after I redirect Miss Paulsen. He may wish to recross.
THE COURT: This is his witness?
MR. NICOLA: Yes.
THE COURT: So we have to wait for him no matter what.
MR. NICOLA: If you say I could be back on Friday, I'll go look for him right now, Judge. Maybe he's in the law library?
MR. MESEREAU: I really don't know.
A VOICE FROM THE AUDIENCE: There he is.
THE BAILIFF: Yea.
(Laughter.)
THE COURT: I'm sorry. I came out; I didn't know you were not here yet.
MR. SANGER: I apologize. I had to go back 7871

to my office and get something here.
THE BAILIFF: I'm sorry, I thought he was
here. Sorry.
MR. SANGER: Do you want to address the --
THE COURT: If you're prepared. I came on
so that you could do that. I don't know if you
wanted to do it now or later. I misinterpreted what
you had said earlier, so....
MR. SANGER: That's fine, Your Honor.
The reason I wanted to bring it up sooner
rather than later is that if the Court fashioned a
remedy that involved Mr. Moslehi, he would be here;
and if you didn't, he could leave. So let me just
address it quickly.
The motion for mistrial having been denied,
and without conceding anything in that regard, our
alternative request would be to either have, number
one, an admonition to the jury that it was
inappropriate to continue to ask those questions and
that you had precluded the defense from getting into
it, and make it very clear that those -- the
questions, as the jury's been instructed, are not to
be considered unless there's an answer.
But in this particular case, because you had
already made rulings very clearly, you want to make
sure that there's no unfair inference drawn, even if
it's a subconscious or subliminal one. So some
instruction to that effect, a curative instruction 7872

of some sort to try to get us back to square one and unring the bell.
Absent that --
THE COURT: You're to disregard any subliminal messages you received during the last session?
(Laughter.)
MR. SANGER: I'm sure we could word something more artfully than the concept that I just floated there, but I think there is something that could be done by way of a curative instruction to try to unring that bell. And I think it was unfairness and it was a matter of seizing on what the Court has just ruled on, and I think that's the big harm. It's not a matter that -- it's a matter that the prosecution had objected to our bringing that tape in and then sought to gain the benefit of the Court's continued ruling.
If the Court does not do that, then I would ask -- or in the alternative, either way, I'd ask the Court to allow us to now just play the outtakes, and that's --
THE COURT: That's where I thought you were going.
MR. SANGER: I didn't want to disappoint.
(Laughter.)
MR. SANGER: And it's a fair way to do it, Your Honor. The outtakes are the outtakes. And if 7873

the jury sees that, they'll be able to form their own opinion and they won't be dealing with subliminal matters. They'll be dealing with liminal matters.

I'll submit it.

THE COURT: (To Mr. Auchincloss) You can sit down.

You know, I don't believe that Mr. Auchincloss seized the moment to take advantage of you after objecting. You know, I think there was a disconnect from -- in his brain somewhere about -- because he was worried about the earlier examination that had been done. And I just don't believe he was trying to do something to confront the Court or affront the Court.

And I think I, you know, saved the day by objecting myself, stopping it. So the jury has -- knows that I did not think that was proper. They got the message loud and clear. I've never done that before in this trial, so it was a very loud message I sent. So I think that's sufficient in this case.

So, do you have your witness here if we bring in the jury?

MR. NICOLA: Yes, Your Honor.

THE COURT: All right. And, you know, the issue of the playing those tapes still remains for your part of the case. That may well be. So if 7874

there's a foundational issue here, you had suggested that the prosecution might agree. I would like that out of the way, because I don't think -- if all we need is to have him come back, when all you want to do is play the tapes, we wouldn't want to have to do that.
You may want him back, too. I don't know.
But if that's something we could agree on, playing those outtakes without a further foundation from him, if either of the parties desire, I think that would be a good thing to do. But you can talk to each other about that.
MR. SANGER: Very well, Your Honor.
MR. AUCHINCLOSS: And is it permissible for Mr. Moslehi to leave? He's waiting for us.
THE COURT: Yes.
MR. AUCHINCLOSS: Thank you.
THE COURT: But you understand my issue on --
MR. AUCHINCLOSS: I do. And I think that's something --
THE COURT: -- whether you want to agree to a foundational issue that he took those tapes. We've all watched them.
MR. AUCHINCLOSS: I'm certain if it's merely authentication, we can come to some agreement.
THE COURT: Okay. I'll leave while you bring the jury in.
// 7875

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: All right, Counsel. Proceed, please.

MR. NICOLA: Thank you, Your Honor.

May I have -- "Input 4" is already on.

Q. Miss Paulsen, if I could direct your attention to Item 29 and 30. There appear to be two air link charges right behind each other.

Is that an example of what you testified to on direct as having to look for the corresponding number to figure out which charges go together?

A. Yes, it is. Item 27 and 29 would go together. And Item 28 and 30 would go together.

Q. Okay. And Item 27 is registered in the bill as a two-minute call to the same telephone number as Item 25; is that correct?

A. Yes.

Q. Okay. Once a call gets past one minute, does it register automatically in your system as a two-minute call?

A. Anything over one minute, if it goes over a minute, it registers as two minutes.

MR. NICOLA: Thank you, Mrs. Paulsen. I have nothing further.

MR. SANGER: Nothing further, Your Honor. 7876

THE COURT: All right. Thank you. You may step down.
THE COURT: Call your next witness.
MR. NICOLA: The next witness will be Gabe Dominguez, Your Honor.
MR. SANGER: Which exhibit?
MR. NICOLA: With T-Mobile.
Stop that witness.
Oh, he got it. Never mind.
THE COURT: Raise your right hand, please.

GABRIEL DOMINGUEZ
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Gabriel Dominguez.
G-a-b-r-i-e-l; last name D-o-m-i-n-g-u-e-z.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good morning, sir. How are you?
A. I'm fine.
Q. Are you here as a custodian of records for the telephone company T-Mobile?
A. Yes. 7877

Q. How long have you been employed with T-Mobile, please?
A. For over four years.
Q. And have you testified before as a custodian of records for T-Mobile?
A. Yes.
Q. Approximately how many occasions?
A. Over 60 or 70 times.
Q. Is that your primary role with T-Mobile?
A. It is one of them.
Q. You go to court and authenticate the records that were asked for pursuant to subpoena and search warrant?
A. Yes.
Q. Okay. With respect to this particular case, did your company send records pursuant to search warrant for phone records for the following individuals: Christopher Carter; Franchesco Cascio; Vincent Amen; Evelyn Tavasci; and Christian Robinson?
A. Yes.
Q. In front of you is Exhibit 452. Do you recognize that?
A. Yes.
Q. How do you recognize that?
A. I recognize this to be subscriber information and billing records, or called detail records, for the people you just mentioned. 7878

Q. Is there a table of contents in that exhibit?
A. Yes.
Q. Have you compared the contents of the exhibit with the table of contents?
A. Yes.
Q. Have you looked through the entire exhibit prior to your testimony today?
A. Yes.
Q. Generally, and I mean this with respect to all the documents in that exhibit, save the table of contents, are they records that are made in the regular course of T-Mobile business?
A. Yes.
Q. Now, with respect to the specific subscriber information within those exhibits, is the information recorded on the subscriber report made by persons under a duty to record the information accurately at or near the time that the information is relayed to them?
A. Yes.
Q. Would you explain to the jury what a subscriber record is?
A. A subscriber record is a customer's name, address, Social Security number, and any identifying information for that customer.
Q. Why do you need that information?
A. For billing purposes. 7879

Q. I'd like you to turn specifically to Tab No. 1, and is that the information for one Christopher Carter?
A. Yes.
Q. Okay. And Tab No. 2, please, is that the information for Franchesco Cascio?
A. Yes.
Q. Tab No. 3, please, is that the information for Vincent Amen?
A. Yes.
Q. Tab No. 4 and Tab No. 5 respectively, Evelyn Tavasci and Christian Robinson?
MR. SANGER: I'm going to object. That's compound.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. NICOLA: Okay. With respect to the contents of Tab 1, the records pertaining to Christopher Carter, are there also bills which include phone tolls?
A. Yes.
Q. Are those records also kept in the regular course of T-Mobile business?
A. Yes.
Q. Do you regularly rely upon those records in generating revenue?
A. Yes.
Q. Do you rely on their accuracy? 7880

A. Yes.
Q. Mr. Dominguez, with respect to Christopher Carter, is the phone number listed on the table of contents the same phone number that appears on the record within Tab No. 1 of Exhibit 452?
A. Yes.
Q. And with respect to Franchesco Cascio, is the phone number listed on the table of contents the same as the phone number listed on the pages of Tab 2?
A. Yes.
Q. How about with Vincent Amen; same question with respect to Tab 3?
A. Yes.
Q. Okay. And I have the same question for Evelyn Tavasci, Tab 4.
A. Yes.
Q. And Christian Robinson, Tab 5?
A. Yes.
Q. Do the phone tolls for each of the individuals that we've just named extend from a period of January through March of 2003?
A. Yes.
Q. Okay. With respect to the Christian Robinson subscriber information in Tab 5, is there also another name in the subscriber report?
A. Yes.
Q. And what is that, please? 7881

A. Site LLC.
Q. Is there another document right behind that that has the name Christian Robinson on it?
A. Yes.
Q. And what is that document?
A. That is the front page of a bill.
Q. Okay. What does it say on the top left-hand corner?
A. The top line says, "Site LLC." Second line says, "Attention: Christian Robinson."
MR. NICOLA: With the Court's permission, we'd offer this into evidence so we can project it.
MR. SANGER: Your Honor, before you rule --
THE COURT: Yes.
MR. SANGER: -- my understanding is they're offering the entire book as an exhibit. Is that correct?
MR. NICOLA: That is correct.
MR. SANGER: And I object, because the entire book -- there's material in at least the book that was given to me that has not been covered by the prosecution, and I would like an opportunity to approach the witness and see what is in that book.
THE COURT: You may.
MR. SANGER: Thank you. Your Honor, can I have a moment to speak with counsel for just a --
THE COURT: Yes. 7882

(Off-the-record discussion held at counsel table.)
MR. NICOLA: We're having a -- trying to explain the different table of contents, Your Honor.
THE COURT: That's fine.
MR. SANGER: It's more than that. There are things that were removed from the book and we're just trying to figure out which book is right. And there we go.
Based on what I've now seen, I will withdraw -- if I objected, I'll withdraw it. Otherwise, I'll submit it.
THE COURT: All right. I'll admit it.
MR. NICOLA: Thank you, Your Honor.
May we have Input 4, please?
Q. If you could turn to the subscriber record for Christopher Carter located under Tab No. 1, and is this the account information that it contains for Mr. Carter for the phone number that appears at the very top of the exhibit, (702) 234-9059?
A. Yes.
Q. And is the work telephone number gathered at the time that the account is opened?
A. Yes.
Q. And for this exhibit, it is -- or for this account, it is (818) 910-5505?
THE COURT: I just cut the screen on this. You're showing a person's Social Security number and 7883

address, and I don't think you should be doing that.
MR. NICOLA: A little brain dead right now.
I apologize.
Q. Can you turn to, in your book, the exhibit that begins with -- I believe it's 29 of 32 for Chris Carter's number.
Okay. It's the exhibit in Mr. Carter's bill that begins with roaming charges, 29 of 32. Do you have it in front of you?
A. Yes.
Q. Is the first entry on that dated 1-31-03, Miami, Florida?
A. Yes.
MR. SANGER: Just one second before we do this. Before we do this, let me just have a moment.
MR. NICOLA: Maybe we should kill that.
(Off-the-record discussion held at counsel table.)
MR. SANGER: Now, having resolved that, I guess I have a belated question. We had raised it earlier with regards to Mr. Jackson's phone numbers. I mean, we are putting everybody's phone numbers up on the board.
MR. NICOLA: May we approach so we can -- I have a solution for that that will take two seconds to discuss at sidebar.
THE COURT: All right.
// 7884

(An off-the-record discussion was held at sidebar.)
MR. NICOLA: May I proceed with the Elmo, Your Honor?
THE COURT: Yes.
MR. NICOLA: Excuse me, the "Input 4."
Q. We were talking about the -- this document in the T-Mobile exhibit. If you could just explain generally the highlighted area and what they mean for the jury, please.
A. The first column shows the date that that call took place. The following column under "Call Destination," that shows the city called. And that's also an outgoing call. Column after that shows the time that that call took place. The "Number Called" is either the number called or received. And then the duration.
Q. Okay. How do we know if a call has been received?
A. If a call has been received, it would show "incoming." So if you look at where it says, January 31st, 2003, at 6:27 p.m., that's an incoming call, and that's how you can tell it's an incoming call, because it says so.
Q. Sometimes the incoming call will record in there and sometimes it will not?
A. Um -- explain.
Q. Well, if it's an incoming call, will the -- 7885

A. Where the number doesn't show up, it's because the person is blocking their number or our system did not catch a date and incoming number.
Q. Let me ask you about the code highlighted parentheses □A.□ What does that mean?
A. If you were to look at the bottom of the page, there's a legend that displays the call type and what the □A□ would stand for. □A□ stands for call waiting.
Q. Okay. Let me move that up.
MR. SANGER: Your Honor, I'm very sorry. This is -- this is -- yeah, I understand. This is somewhat piecemeal here.
THE COURT: Did you want me to black out the screen while you --
MR. SANGER: Could you please, Your Honor? This -- this -- I don't want to argue in front of the jury, but the availability -- this witness is not being called, as I understand it -- I don't think there's relevance to these phone records. And I know I submitted it. And now that I'm hearing what is being presented from these records, I think I should object to this exhibit or move to strike this exhibit based on irrelevancy, at least this Tab No. 1, unless there's something that's going to connect it up at some point in this case.
THE COURT: I assume you are entering this 7886

information for a purpose.
MR. NICOLA: We are, Your Honor. And I don't want to argue this in front of the jury.
THE COURT: Okay. I'm going to allow -- I'm going to deny the motion to strike and go forward.
MR. NICOLA: Thank you.
Q. Okay. The different call types are listed on the bottom of the billing page?
A. Yes.
Q. And □A□ is for call waiting?
A. Yes.
Q. For those of you who don't know how call waiting works, can you explain that real quickly for us?
A. When someone receives an incoming call, they'll hear a tone telling them then there's a call on the other end. What they would do then is they would switch over to the other line, and they could speak to the other person. And when they're finished, they can terminate that call and continue with the phone call they -- they initially originated or whoever called them originally.
Q. So the subscriber is on the phone?
A. Right.
Q. Another call comes in; he hears a beep?
A. Right.
Q. Pushes a button; can talk to the other 7887

person on the phone without hanging up on the first one?
A. That's correct.
Q. Okay. What about call forwarding?
A. Call forwarding. Call forwarding works -- if you wanted to receive a call, but you wanted to forward it to a different number, someone calls you, that number, then that call then goes to the number that you forwarded it to.
Q. Okay. Say, someone has their home phone number forwarded to their cell phone. Would that register as an incoming call on the cell phone?
A. It would -- on the record, it would show the incoming number from the person that's calling. It wouldn't show the number where it's being forwarded to.
Q. And if you forward your cell phone to a different number, will the number that called, that was forwarded, show up on the bill?
A. No.
Q. With respect to the □G□ in parentheses, what is that code for?
A. Voice mail.
Q. So if somebody is checking their voice mail, it will show up on the bill as voice mail retrieval?
A. Yes.
Q. And then get charged for that?
A. Yes, if they go over their allotted minutes. 7888

Q. Are there different sections of this particular bill for Mr. Carter? For example, this one here has a header called "Roaming Charges."
A. Yes. There would be another bill, just the regular billed charges of calls that he made while he was in his home area.
Q. Okay. And with respect to the charges listed under this heading, "Roaming Charges," can you tell us where the phone that was being used to dial out, say, to this number here, the 305 number, where that phone was?
A. In the Miami/Dade area, or Southern Florida.
Q. And how can you tell that?
A. On the top left-hand corner above the date, it says, "Miami/Dade."
Q. Right there where I'm pointing?
A. Yes.
Q. Now, if it is not under a "Roaming Charges" section in the bill, where does "Call Destination" correspond to?
A. The "Call Destination" doesn't actually correspond to the physical location of the outgoing number that they're calling. A few years ago the area code and prefix used to correspond to a specific geographic area. Now, with cell phones, they can be pretty much anywhere.
Q. Okay. If you could turn to page 4 of 23 on the March 5th bill. Are we looking at the same page 7889

here?
A. Yes.
Q. Okay. So where it says, 2-9-03, Santa Ynez, California, the time and the phone number, is that under one of the regular billing headers?
A. Yes.
Q. Okay. So the call was not placed from Santa Ynez, as far as the bill is concerned?
A. Right.
Q. Okay. And, now, is Santa Ynez a region that just shows up on the bill because of a --
A. Because of the area code and prefix.
Q. And that destination tied in with the phone number that was dialed?
A. No.
Q. How does that work?
A. The area code and prefix are the first six numbers. The area code, being 805 the prefix being 688, that belongs to Santa Ynez.
Q. Okay.
If you can move on, please, to the documents in Tab 2 for Franchesco Cascio, do those records show a work telephone number for him of Area Code (818) 905-0386?
A. Yes.
Q. Okay. If you'd turn to page -- or Tab 3, please, for Vincent Amen. If you could turn to the bill dated February 21st, 2003. 7890

(Off-the-record discussion held at counsel table.)
Q. BY MR. NICOLA: I'd like to show you an example of an incoming call with respect to the phone call which registered 2-11-03, 2:30 p.m, that's highlighted. Do you see that?
A. Yes.
Q. What does the □F□ mean?
A. □F□ means mobile-to-mobile. The number that is being dialed or received is another T-Mobile customer.
Q. Okay. Does that work outside of your calling network?
A. Yes.
Q. So if someone with AT&T Wireless on a mobile phone dials the owner of this cell phone, will their number show up here?
A. Yes, but it wouldn't have an □F□ behind it.
Q. So this is within the same calling area?
A. No, it's within the same company. They're both T-Mobile customers.
Q. So there's no charge?
A. There's no charge, because they can either be within their allotted minutes, or if they have part of their price plan all T-Mobile to T-Mobile, calls can be free.
Q. Okay. I'd like you to turn to the next tab, please, the records for Ms. Evelyn Tavasci. I'm 7891

going to take this down.
On the subscriber record, do you see the
home telephone number of Miss Tavasci?
A. Yes.
Q. And is that the same number that is listed
in Christopher Carter's subscriber information as
being a work number?
A. Yes.
MR. NICOLA: Thank you, Mr. Dominguez.
Your witness, Mr. Sanger.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Good afternoon.
A. Good afternoon.
Q. We always have to look at the clock when we
say that, because we don't know when it's noon
around here.
THE COURT: Some of us.
(Laughter.)
MR. SANGER: Oh. Some may be painfully
aware, I suppose.
Q. All right. You have testified to some
records that are in front of you there, and the fact
that -- let me withdraw that.
These particular telephones are mobile
telephones. They're cell phones, right?
A. Yes. 7892

Q. Okay. So these are not phones that are associated with a particular address. I mean, you have a billing address and that sort of thing, but they're not stuck someplace, right?
A. No.
Q. Secondly, you mentioned that the Tab No. 4, Evelyn Tavasci phone, and the Tab No. 1, Christopher Carter phone, have a similar -- or have the same number on the - what would you call it? - subscriber database; is that right?
A. Yeah, the one has the number for being the work, and the other has it for their home telephone number.
Q. Just to make this a little more clear, the actual telephone number for the records -- in other words, you have billing records behind each tab, right?
A. Right.
Q. Are the billing records for Tab No. 1 for the same telephone number as Tab No. 4?
A. No.
Q. Okay. And all that you show there is that in the subscriber database where you have other telephone numbers for people, this telephone number ending in 5005 shows up in both of those bases; is that correct?
A. One shows up in the work telephone slot, because that was the number that they gave when they 7893

signed up for their account as to what their work telephone number was.
The other one shows that number as being their home telephone number, because that was the information they gave when they set up the account as that being their home telephone.
Q. And obviously you're here as custodian of records. You weren't there when these were signed up. You don't know who did it, right?
A. No.
Q. Is it common for a company or an organization to purchase a number of telephones from your company?
A. Yes.
Q. And they would have similar subscriber information for more than one telephone on occasion; is that correct?
A. Yes. For a large corporation, yes.
Q. All right. And finally, the fact that these phone records -- these billing records are billed to a particular person, it says, Statement For up in the right-hand corner; is that correct?
A. Yes.
Q. The fact that it says, Statement For, Christopher Carter or Franchesco Cascio or any of the others, does that the mean that those particular individuals were using the telephone on that day?
A. No, it does not. 7894

MR. SANGER: Okay. Thank you. I have no further questions.
MR. NICOLA: Nor do I, Your Honor.
THE COURT: Thank you. You may step down.
MR. NICOLA: Pacific Bell, Anne Marie Sims, Your Honor.
THE COURT: On Exhibit 452, I'll order that the District Attorney provide redacted pages for those pages that have home addresses, Social Security numbers, and unrelated phone numbers on them.
MR. SANGER: Just to clarify while we're waiting, I take it that your ruling on the motion to strike is without prejudice to renewing it if it isn't connected up.
THE COURT: It is, correct.
MR. SANGER: Thank you.
THE COURT: Come forward, please. When you get to the witness stand, please remain standing. Face the clerk. Raise your right hand.

ANNE MARIE SIMS
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Anne Marie Sims. A-n-n-e; 7895

M-a-r-i-e; S-i-m-s.

DIRECT EXAMINATION

BY MR. NICOLA:

Q. Good afternoon, ma'am.

A. Hello.

Q. What company do you work for?

A. SBC.

Q. You're here about telephone numbers.

A. Yes.

Q. Surprise.

How long have you been with SBC?

A. It will be 25 years in May.

Q. We placed in front of you Exhibit 451, I believe; is that correct?

A. Yes.

Q. And are you familiar with the contents of Exhibit 451?

A. Yes.

Q. Okay. Now, with respect to your role here as custodian of records for Pacific Bell, how long have you been working for them in that capacity?

A. Two years.

Q. And have you testified on a number of occasions as a custodian of records?

A. Yes.

Q. Have you had an opportunity to look at the records contained within Exhibit 451 prior to 7896

today's date?
A. Yes.
Q. And is there a table of contents in the front portion?
A. Yes.
Q. Okay. Have you compared the information under the subscriber name and the subscriber phone number with the records which are contained within that exhibit?
A. Yes.
Q. Did you find that they corresponded?
A. Yes.
Q. And is the table of contents accurate?
A. Yes.
Q. With respect to generally the entire exhibit, are the records in there, save the table of contents, records which are made in the ordinary course and scope of the business of Pacific Bell?
A. Yes.
Q. And is the information contained within Exhibit 451 recorded at or near the time of the events that they purport to relate?
A. Yes.
Q. And is this exhibit -- excuse me, are the contents of this exhibit records that you normally rely upon in conducting the business of Pacific Bell?
A. Yes. 7897

MR. NICOLA: We'd move this into evidence at this time, Your Honor.
THE COURT: It's admitted.
MR. SANGER: Excuse me, Your Honor. I was going to ask counsel and he started too soon. May I just approach and --
THE COURT: I'll withdraw my ruling until you've had an opportunity to look at them.
MR. SANGER: Just take a quick look at them. Thank you.
MR. NICOLA: Ahh.
MR. SANGER: May I borrow that for a second? I'll submit it, but again, relevance has not been demonstrated as yet.
THE COURT: All right. They're admitted, subject to that same proviso.
MR. SANGER: Thank you.
MR. NICOLA: Thank you, Your Honor.
Q. In Tab No. 1, I believe there are the records of Ms. Evvy Tavasci.
A. Yes.
Q. Is that correct?
A. Yes.
Q. And the phone lines that you'll be referring to contained within Exhibit 451, are they cellular phones or are they hard lines that go into houses, business lines?
A. They're landlines, wire lines. 7898

Q. Do you have two phone numbers listed for Ms. Tavasci's home? You don't have to tell us what they are. Are they within the table of contents?
A. Yes.
Q. Okay. And is the one ending in 0088 the second line into that home?
A. Yes.
Q. And the one ending in 5005 the primary line?
A. Yes.
Q. Are there specific billing information records within the exhibit for Evvy Tavasci, Tab No. 1, for the period between approximately January and March of 2003?
A. Yes.
Q. If you could move to Tab No. 2. Are those the billing and subscriber information records for Ms. Aja Pryor?
A. Yes.
Q. And if you could move to Tab No. 3. Contained within that tab, do you find the billing and toll information for a business entitled, □Neverland Valley Entertainment□?
A. Yes.
Q. And are there five separate phone lines going into that business that you have record of?
A. Yes.
Q. And are all those phone numbers reflected in the records within Tab No. 3? 7899

A. Yes.
Q. I have the same question about exhibit number -- excuse me, Tab No. 4 in Exhibit No. 451. Is that the subscriber and billing records of one Miko Brando?
A. Yes.
Q. Okay. Moving on to Tab No. 5, please, subscriber and billing records for David Ventura?
A. Yes.
Q. I would like to show you a page from that, if I may.
If you could turn to the March 12th section of the bill. It would be a long-distance call. Okay. Do you have a call to Santa Ynez on that date?
A. On what date?
Q. Did I say March 12th? March 14th.
A. March 14th, yes. On March 14th?
Q. Yes.
A. Oh, yes.
Q. You do?
A. Yes.
MR. NICOLA: If I may have the □Input,□ Your Honor.
Q. Okay. Is that the page you're looking at in the exhibit?
A. Yes.
Q. Perhaps we can just go over this one page. 7900

Is the phone number connected to David Ventura (626) 575-6162, this one up here?
A. Yes.
Q. On this bill, can you explain these groups of numbers up here? The 8-1 of 9, what does that mean?
A. When we're looking at telephone accounts or bills in the computer, the screen can only show a third of the page, so -- or, you know, just a portion of the page that prints out on the actual customer's bill. So this would be like eight -- the eighth page, the first part of the screen in the computer.
Q. Okay. So --
A. And then there would be nine pages altogether.
Q. So this is part of page nine of the bill; is that right?
A. It would be, I believe, page eight. I don't know.
Q. Page eight out of nine pages, I'm sorry.
A. Right.
Q. It's confusing. That's why I'm trying to --
A. You're confusing me.
Q. Okay. So this is the eighth page, first computer screen --
A. Right.
Q. -- out of nine pages? 7901

A. Right.
Q. Now, the call you were referring to, is that
Item No. 10 listed down here?
A. Yes.
Q. So on "MR14," is that March 14?
A. Yes.
Q. This is the 2003 bill at 2:15 p.m. A call
was placed to that number down there?
A. Yes.
Q. That's (805) 688-9788?
A. Yes.
Q. Would you please turn to the page
immediately preceding that in the exhibit? Is that
page No. 7-4 of 9?
A. Yes.
Q. On the Ventura bill there appear to be calls
both on February 13th and February 14th to a number
in Morristown. And does that "NJ" stand for New
Jersey?
A. Yes.
Q. And the number dialed was (201) 213-0763?
A. Yes.
Q. Can you tell over here under the "Minutes"
column whether those are completed calls or not?
A. Yes.
Q. How can you tell that?
A. Because they were printed on the bill.
Q. Okay. So if I call this number but hang up 7902

1 before someone else picks up the phone, it's not
2 going to show up on my bill?
3 A. Correct.
4 Q. Okay. And do you use the round up,
5 take-whatever-you-can-get-from-the-consumer system
6 of counting minutes?
7 A. Yes.
8 Q. So a two-second call -- excuse me. I
9 couldn't resist.
10 A two-second telephone call with this
11 company, completed, will cost a minute, correct?
12 A. Yes.
13 Q. Okay. So it's a little different than some
14 other systems?
15 A. Yes.
16 Q. A three-minute one-second call will register
17 as four minutes, correct?
18 A. Yes.
19 Q. The most you can say about any of these
20 numbers over here under □Minutes□ is that this call,
21 Item No. 9, lasted between three and four minutes;
22 is that accurate?
23 A. Yes.
24 Q. Okay. If we could go back to the table of
25 contents, please. And Tab No. 6, are those the
26 records for one Jay Jackson?
27 A. Yes.
28 Q. And is the telephone number for Jay Jackson 7903

(213) 739-9279?
A. Yes.
Q. Moving on to Tab 7, MJJ Productions, is the phone number for MJJ Productions listed as (310) 278-3383?
A. Yes.
Q. Okay. And how about the information for one Chris Tucker in Tab No. 9? Without telling us the phone number, is his information within Tab No. 9, is that information accurate?
A. Yes.
Q. I'm going to ask you now about, in order, The Country Inn at Calabasas.
Oh, yes. I'm sorry.
Is their subscriber information under Tab 10?
A. Yes.
Q. How about the next tab, Number 11, the L.A. City Board of Education, specifically Burroughs Junior High School? Is the subscriber information and telephone number in there as well?
A. Yes.
Q. And finally, No. 12 and 13, Kaiser Foundation and Enterprise Rent-A-Car respectively.
A. Yes.
MR. NICOLA: Okay. I have no further questions, Your Honor.
// 7904

CROSS-EXAMINATION
BY MR. SANGER:
Q. Good afternoon.
Let's start with Tab No. 9, and -- yeah, let me borrow that. And I'm going to ask you if you correlate a particular telephone number to Chris Tucker.
A. Yes.
Q. Yes? And does that number end in 1861?
A. Yes.
Q. All right. And in fact, it's (818) 757-1861. That's Chris Tucker's number; is that right?
A. Yes.
Q. All right. And I'm going to ask you to turn now to Tab 9. And with the Court's permission, I'm going to put up on the board -- I'm sorry, wait a second.
Tab 6. Tab 6. With the Court's permission, I'm going to put up on the board a page from that exhibit, which appears to be February 8th at the top and then it says, 3-3 of 6.
Let's see if we have the same thing there.
Are you looking at that page in the book?
A. Yes.
Q. All right. So we're on the right page.
Okay. Just a second. Oop, there it goes.
All right. Sorry. This -- first of all, 7905

page six would be the phone number for Jay Jackson
up in the upper left-hand corner; is that correct?
A. Yes.
Q. And that shows his phone number right up
here, the upper left-hand corner above his name,
correct?
A. Yes.
Q. The entry on line 16 is for February 4,
2003, correct?
A. Yes.
Q. And at 6:11 p.m., it appears that a call --
is this made to or was received from?
A. Made to.
Q. Okay. So the call was made to Reseda,
California, to Chris Tucker's phone number, correct?
A. Yes.
Q. And it lasted -- is that the amount of time
right there, four --
A. Yes.
Q. Four-minute call?
All right. And then it appears that at 6:14
p.m., another call was made to Chris Tucker on
February 4, that same number, that lasted about four
minutes, correct?
A. Yes.
Q. Now, you could not tell from the billing
records, from this billing record, whether or not
this particular billing record -- whether or not 7906

Chris Tucker called -- well, let me withdraw that.
On this record, we see the two calls are
made to that Chris Tucker number, correct?
A. Yes.
Q. All right. I'm going to ask that -- if you
leave it on for a second, Your Honor, I'm going to
flip to another page.
I'm going to ask that you go back to Tab 5,
and I'm going to go to the page -- it's actually the
first page that was shown to you by the prosecutor
and the two pages after that. So it will be the
March 26th, 2003, 8-1 of 9, 8-2 of 9. And then
we'll go to the next page in the exhibit, in the way
mine's organized anyway, which is the April 26th,
2003, 5-4 of 5.
Is that the next page in your exhibit?
A. I -- I have 2-1 of 5 and then 5-4 of 5.
Q. Okay. Well, I'm going to go to 5-4 of 5.
So we've got those three?
A. Yes.
Q. Let's start with the first one.
If I may, Your Honor.
THE COURT: Yes.
Q. BY MR. SANGER: I'm going to put up this
page. And this shows us that this is the telephone
of David Ventura, correct?
A. Yes.
Q. All right. And it appears that on March the 7907

12th -- and I'll just note that apparently there's some pen marks here that aren't on the actual exhibit, if I can be excused for that, but it's on my copy. Quite frankly, I must have done it, or somebody did.

Other than that, look -- just look at the printed page here. On March 12, somebody at David Ventura's number is calling a number in Buellton two different times, at 5:08 p.m. and 7:02 p.m., right?

A. Yes.

Q. And then there's a number on March the 12th at 11:25 p.m. That's 35 minutes before midnight, right?

A. Yes.

Q. And somebody, at half an hour or so before midnight, is calling Guadalupe, California, and calling a number there, correct?

A. Yes.

Q. And talking for 35 minutes, correct?

A. Yes.

Q. There are a couple more calls on the 13th to Santa Ynez. And then on the evening of the 13th at 6:45 p.m., somebody at David Ventura's number is calling that same number in Guadalupe again. Do you see that?

A. Yes.

Q. And talking for 64 minutes. Right?

A. Yes. 7908

Q. And when it's 8:45, that's the start time of the call, correct?
A. Yes.
Q. So that call went on from 8:45 in the evening to 9:49, if I add it correctly, in the evening; is that right?
A. Yes. Yes.
Q. Thank you. You have to say "yes" or "no" for the court reporter there.
Okay. Now, I'm going to -- and then the District Attorney already asked you about the last one, a call to Santa Ynez at 2:15 p.m.
Let's go to the next page, if we may, with the Court's permission. And this is the next page of the phone bill, or the next computer screen of the phone bill; is that right?
A. Yes.
Q. And again, this is David Ventura's telephone. Somebody in David Ventura's house on March the 14th, at 8:12 p.m., calls that same number in Guadalupe, talks for -- or is billed for a minute. So it was connected and it lasted less than 60 seconds, right?
A. Yes.
Q. All right. And then at -- on the 16th, which would be one minute after midnight on the early morning of March the 16th, there's a call to the same number from David Ventura's phone to that 7909

1 Guadalupe phone number, same number, right?
2 A. Yes.
3 Q. Lasts 26 minutes, correct?
4 A. Yes.
5 Q. Okay. And then March the 16th, that was
6 just one minute after midnight, the first thing in
7 the morning. The next one is later that night at
8 10:14 p.m. on March the 16th. Somebody's calling
9 that same number in Guadalupe, California, right?
10 A. Yes.
11 Q. Six minutes.
12 A. Yes.
13 Q. Right?
14 A. Yes.
15 Q. And then on the 17th, there are three
16 telephone calls here that I'm pointing to, on lines
17 14, 15 and 16, and they are respectively at 6:28,
18 8:51 and 8:57 p.m.
19 So somebody's trying to call someone at that
20 same number in Guadalupe, and apparently concluding
21 the call within a minute?
22 A. Yes.
23 Q. All right. And then on March the 18th,
24 somebody from Mr. Ventura's phone calls Guadalupe at
25 3:26 p.m., talks to someone at that same number,
26 presumably, for 22 minutes, correct?
27 A. Yes.
28 Q. And then at 9 -- almost 9:30, 9:29 p.m. on 7910

1 the 18th, there's another call to that same
2 Guadalupe number for 26 minutes; is that correct?
3 A. Yes.
4 Q. Okay. Now I'm going to go to the next page
5 I referred to. I'll put it up and I'll describe it.
6 It's the next page in my book, but wherever it is in
7 the official book it is. It's identified by the
8 number at the top, April 26th, 2003, correct?
9 A. Yes.
10 Q. And 5-4 of 5, correct?
11 A. Yes.
12 Q. And this is David Ventura?
13 A. Yes.
14 Q. Now, here it shows a series of calls on 3-19
15 and 3-20 and 3-21. So March 19th through March
16 21st, correct?
17 A. Yes.
18 Q. And this is still 2003, right?
19 A. Yes.
20 Q. And somebody is calling from the Venturas'
21 telephone, calling that very same number at
22 Guadalupe; is that right?
23 A. Yes.
24 Q. And without going too laboriously through
25 this, the calls are in the evening of 3-19 at 7:10
26 p.m. for 36 minutes?
27 A. Yes.
28 Q. And then that would have taken it from 7:10 7911

1 to 7:46. So about 15 minutes later, at 8:01 p.m.,
2 there's another call to the same number for another
3 17 minutes, correct?
4 A. Yes.
5 Q. And then at 10:50 p.m. is another call for
6 three minutes --
7 A. Yes.
8 Q. -- correct?
9 And the next day, at 2:57 p.m., there's a
10 three-minute call?
11 A. Yes.
12 Q. And later that evening, at 7:52, there's a
13 three-minute call, correct?
14 A. Yes.
15 Q. And then on 3-20, at 7:55 p.m. So it -- if
16 I'm right, it looks like that three-minute call,
17 there was a hang-up and a call right back; is that
18 right?
19 A. Yes.
20 Q. So -- and that call then lasts for 20
21 minutes; is that right?
22 A. Yes.
23 Q. And then the next day, at 9:37 at night,
24 there's a call to that same number in Guadalupe from
25 the Ventura residence for one minute; is that right?
26 A. Yes.
27 Q. Thank you.
28 Oh, and before I leave, all -- I think the 7912

District Attorney asked you this, but just to be sure. All of these phones are landlines, so they're -- they're all connected by a wire to the wall?
A. Yes.
Q. So the location that's indicated for the telephone is the location where that telephone actually is?
A. Yes.
MR. SANGER: Okay. Thank you. No further questions.
THE COURT: Counsel?
MR. NICOLA: No redirect, Your Honor. Oh, I'm sorry. I do have one question.

REDIRECT EXAMINATION
BY MR. NICOLA:
Q. With respect to a completed call on the phone bill, is there any way to -- any way to tell whether the call actually went to voice mail or whether it was live conversation?
A. No.
MR. NICOLA: Okay. Thank you.
THE COURT: You say □yes□ better than any witness I've ever had.
(Laughter.)
THE WITNESS: Thank you.
THE COURT: You're excused. 7913

THE WITNESS: Thank you.
MR. NICOLA: Thank you, Your Honor.
Joseph Shebroe.
THE COURT: When you get to the witness stand, please remain standing.
Face the clerk over here, and raise your right hand.

JOSEPH SHEBROE
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: My name's Joseph Shebroe.
J-o-s-e-p-h; S-h-e-b-r-o-e.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Any chance you're here to talk about phones?
A. I am.
Q. Which company, please?
A. Verizon Wireless.
Q. Are you here as the custodian of records for Verizon Wireless?
A. I am.
Q. How long have you been with Verizon 7914

Wireless?
A. A little over seven years.
Q. What is your current position?
A. I currently supervise a specialty customer service group called the Executive Relations Team.
Q. Okay. With respect to this particular case, were you sent here by your agency to testify about search warrant information that you sent to the court in People vs. Jackson?
A. Yes, sir.
Q. Do you recognize the contents of Exhibit No. 456?
A. Yes, I do.
Q. Go ahead and look through that, please. Have you had an opportunity to see Exhibit 456 prior to your testimony today?
A. I have.
Q. Okay. And is there a table of contents?
A. Yes, there is.
Q. Okay. And is that a two-page table of contents?
A. Yes, sir.
Q. Have you compared the information contained within each of the tabs with the corresponding information on the table of contents for each entry?
A. I have.
Q. And is the table of contents accurate with respect to what is actually within Exhibit 456? 7915

A. It is.
Q. Does Exhibit 456 contain subscriber information for the following individuals under Tab No. 2: Deborah Rowe?
A. Yes.
Q. Jesus Salas?
A. Yes.
Q. Franchesco Cascio?
A. Yes.
Q. Paul Hugo?
A. Yes, sir.
Q. Okay. Does Exhibit No. 456, Tab 2, accurately reflect the telephone numbers for each of those subscribers?
A. It does.
Q. Okay. Moving to Tab No. 3, does Tab No. 3 include the billing -- excuse me, the account summary for Mr. Cascio for the billing period of February of 2003?
A. Yes, sir, it does.
Q. Okay. Is that a phone number, (201) 213-0763?
A. Yes.
Q. Tab No. 4, does that contain what is -- what we put on the exhibit as an incoming/outgoing February 2003 heading for the number 213-0763?
A. Yes.
Q. Is that actually a document that's a switch 7916

record?
A. Yes.
Q. Could you explain what a switch record is for the jury?
A. Sure. A switch record is basically more -- it's not like a billing statement. It's the record that -- that the cell towers produce when a call is placed that we use kind of as a back end.
Q. I don't think they heard the last part of that.
A. Kind of as a back end. It's not something that's produced for the customer. It's the records that we use internally that then feeds to the billing system, which then generates a particular bill.
Q. Do you keep those particular records for a period of time?
A. Yes, although I'm not sure of the exact amount of time we keep those for.
Q. Is it longer than a couple of weeks?
A. Absolutely.
Q. Okay. Tab No. 5 are the contents of Mr. Cascio's March 2003 bill for the same phone number, 213-0763?
A. Yes.
Q. And the Tab No. 6 , does that contain the switch records for the same period of time?
A. Yes, the same time. 7917

Q. And Tab No. 7, does that include Mr. Cascio's account summary for April of 2003, the same phone number?
A. Yes, it does.
Q. Moving down to the next entries are Tab 10?
A. Uh-huh.
Q. Is there a Tab 11?
A. Not in the table of contents. There is in here.
Q. Are there two Tab 10s on the table of contents?
A. Yes, there are.
Q. Would you take a look at the second Tab 10 and see if the contents should be marked as Tab 11, please?
A. Yes.
Q. Okay. Would you change that on the table of contents? Do you have a pen?
So we do go now Tab 10 and Tab 11?
A. That's correct.
Q. Okay. And is that the account information for one Ms. Deborah Rowe?
A. Yes, it is.
Q. For February and March respectively?
A. Yes.
Q. Are the contents of Exhibit 456 records which you keep in the ordinary course of Verizon Wireless business? 7918

A. They are.
Q. Is the information contained within
Exhibit 456 recorded at or near the time of the
events purported to be --
A. Yes, they are.
Q. -- purported to be in the exhibits?
A. Yes, they are.
Q. All right. And does Verizon Wireless
regularly rely upon the documents within 456 to
conduct their business?
A. We do.
MR. NICOLA: We move that this exhibit be
moved into evidence, Your Honor.
MR. SANGER: May I approach and take a look?
THE COURT: Yes.
MR. SANGER: Subject to a motion to strike
if it's not connected, based on the prior ruling to
the Court, I'll submit it.
THE COURT: I'll admit it with that proviso.
MR. NICOLA: Thank you, Your Honor.
Q. Would you please turn to Frank Cascio's
February billing statement, please, under Tab 3?
A. Okay.
Q. And could you please turn to what is marked
as page 23 of 35?
A. Okay.
Q. This blacked-out section up above, is that
something that your company does prior to sending 7919

1 the records in?
2 A. Yes.
3 Q. Makes it hard for us to do this.
4 Can you read what the fourth column header
5 is? Is that called Origination?
6 A. Yes, it is. Yes, it is.
7 Q. If I go back down to the fourth column --
8 A. Uh-huh.
9 Q. -- the number 926, is that a telephone call
10 item number?
11 A. It's actually 936.
12 Q. Okay.
13 A. But, yeah. Yes, it is.
14 Q. Could you just read for us what, going from
15 left to right, what these columns mean?
16 A. Sure. Item No. 936, the date the call was
17 placed was February 1st at 12:16 a.m. The O under
18 Rate Period is for off peak, meaning a night or a
19 weekend. Call Origination is Miami, Florida.
20 Then the phone number that was called.
21 Would you like me to read the number?
22 Q. No. We can see it.
23 A. Okay. The phone -- the location of that
24 phone number is Beverly Hills, California. The
25 duration was ten minutes. It was placed on a
26 weekend. The Home Air Time Charges Included,
27 that's basically in relation to the calling plan
28 that was chosen. And then the two charges on the 7920

right are both zero.
Q. Okay. So the first geographical location is where the call was placed from?
A. That's correct.
Q. And the second geographical location is where the phone number is registered to?
A. That's correct.
Q. Okay. Could you explain what the -- the codes beginning with "W," "RMW" and "CW" mean?
A. Sure. The "RMW" is a voice mail retrieval. You can also tell that just to the left of that, where it says "Voice Mail." That's another way. And the "C" -- the "W" under the "CW" is the weekend.
The "C" I'm not exactly 100 percent sure of.
Q. Is there a legend in the phone bill that would assist you?
A. Yeah. There should be.
There is. It's call waiting.
Q. Okay. Do you find that on page 34 of 35 on the February 7th, 2003, bill?
A. 34 of 35, yeah.
Q. Okay. Is that what you're looking at?
A. Yes, sir.
Q. Is there a three-way calling feature with Verizon Wireless?
A. Yes.
Q. Is that encoded somewhere on this legend, or 7921

1 does that have a separate --
2 A. It would have a separate, but it's not on
3 the legend that you have up there, though.
4 Q. What is the code for three-way calling?
5 A. I'm not sure.
6 Q. Can you find that for us? I think we're
7 going to probably take a break here in a couple of
8 minutes.
9 A. Okay. Thank you.
10 Q. Go ahead, if you can look through the
11 record. If you'd like, we'll move on to something
12 else, and during the break you can find that code
13 for us, okay?
14 A. Okay.
15 THE COURT: We'll take a break.
16 MR. NICOLA: Now?
17 THE COURT: We'll go ahead and take a break.
18 MR. NICOLA: Thank you, Judge.
19 (Recess taken.)
20 THE COURT: Go ahead, Counsel.
21 MR. NICOLA: Thank you, Your Honor.
22 Q. Mr. Shebroe, just prior to the break, I
23 asked you if you knew what the code was for the
24 three-way calling off the top of your head.
25 Did you find your cheat sheet to help you?
26 A. Yeah.
27 Q. What is the code for three-way calling?
28 A. The code letter □O.□ 7922

Q. Is there a code for call forwarding?
A. For call forwarding? The letter "F."
MR. NICOLA: I believe that's all I have.
THE COURT: Mr. Sanger?

CROSS-EXAMINATION
BY MR. SANGER:
Q. Okay. Mr. Shebroe, how're you doing?
A. Good. How are you?
Q. I'm fine.
All of these phones are cell phones; is that
correct?
A. That's correct.
MR. SANGER: Okay. No further questions.
(Laughter.)
THE COURT: But you couldn't say, "No
questions," could you?
(Laughter.)
THE COURT: You came that close.
MR. NICOLA: May the witness be excused,
Your Honor?
THE COURT: You may. You may step down.
Just so the jury knows, the short delay, our
court reporter is still having problems with her
computer, so in case nobody told you that, that's
why we're having some lengthened recesses. It's not
because I care about your recesses.
Call your next witness. 7923

MR. NICOLA: Here she is. Jeanne Mulcahy.
THE COURT: Please remain standing. Face the clerk and raise your right hand.

JEANNE MULCAHY
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Jeanne Mulcahy. J-e-a-n-n-e, M--u-l-c-a-h-y.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. NICOLA:
Q. Good afternoon, ma'am. And which phone company are you here to testify about?
A. I'm with Cingular Wireless, and we also acquired AT&T Wireless, so both companies.
Q. You purchased that with cash, right?
A. Yes.
Q. Because two seconds equals one minute?
A. Sure. Yes.
Q. I placed in front of you Exhibit No. 53 and Exhibit No. -- excuse me, 453 and 454?
A. Uh-huh.
Q. Have you been through those two exhibits 7924

prior to coming to court today?
A. Yes, I have.
Q. Okay. And what is Exhibit 453, please?
A. They're the records that were requested from
AT&T Wireless.
Q. Pursuant to search warrant?
A. Yes, sir.
Q. Have you been through the contents of
Exhibit 453 to check it for accuracy?
A. Yes, sir.
Q. Within Exhibit 453, Tab No. 3, do we find
the billing information, the bill, for one Paul
Hugo?
A. Yes.
Q. And within Exhibit 453, Tab 4, do we find
the billing information for MJJ Productions, Miko
Brando?
A. Yes.
Q. And under Tab 5, is the account information
there for Rudy Provencio?
A. Yes.
Q. Under Tab 6, is there subscriber information
for MJJ Productions/Paul Hugo and Rudy Provencio?
A. Yes.
Q. And under Tab 7, those -- are those records
for tolls of MJJ Productions/Miko Brando?
A. Yes.
Q. And under Tab 9, do we find some billing and 7925

1 financially labeled party information for the
2 following people or entities: MJJ Productions/Miko
3 Brando?
4 A. Yes.
5 Q. MJJ Productions with five telephone numbers
6 associated?
7 A. Yes.
8 Q. And three entries for one Evvy Tavasci with
9 telephone numbers ending in 8984, 4676 and 9111?
10 A. Yes.
11 Q. Okay. Are the records contained within
12 Exhibit 453 kept in the normal course of business?
13 A. Yes, they are.
14 Q. Are the entries within Exhibit 453 made at
15 or near the time of the events they purport to
16 record?
17 A. Yes.
18 Q. And does AT&T Wireless rely on these
19 documents in the performance of their business?
20 A. Yes.
21 Q. With respect to Exhibit 454, are the
22 documents contained within 454 Cingular Wireless
23 records?
24 A. Yes.
25 Q. And are they records for the following two
26 individuals, Ann Kite under Tab No. 1?
27 A. Yes.
28 Q. Evvy Tavasci at Tab No. 2? 7926

A. Yes.
Q. Okay. Now, prior to the merger of AT&T and Cingular -- well, excuse me, one bought the other, right?
A. Yes.
Q. Which agency did you work with?
A. AT&T Wireless.
Q. AT&T Wireless, okay. Are you familiar with the Cingular Wireless records?
A. Yes, I am.
Q. And their billing cycle?
A. Yes.
Q. And is it with respect to that knowledge that you come here and testify as a custodian of the records that have the Cingular label on them?
A. Yes, sir.
Q. Okay. Are these records also kept within the normal course and scope of the business of AT&T Wireless/Cingular?
A. Yes.
Q. And with respect to the documents in 454, are they recorded at or near the time of the events?
A. Yes.
Q. And does Cingular/AT&T rely on these documents in the regular course of their business?
A. Yes.
MR. NICOLA: Your Honor, at this time we would offer 453 and 454 into evidence. 7927

MR. SANGER: Same request, Your Honor.
THE COURT: All right. They're admitted with the same provision.
Q. BY MR. NICOLA: If you could please turn to Exhibit 454, Tab No. 1, and what appears to be labeled "Field Usage" for one Ann Kite.
May I have the Elmo, please, Your Honor?
I'm just going to lay this on the projector.
MR. SANGER: I think you have to open it.
MR. NICOLA: I keep thinking it's a copy machine.
Q. Okay. Can you just give us an example of how you would read this bill across, from left to right, please, top line?
A. The first area is the number; and then the electronic serial number; rate plan; an abbreviation of the amount; called locations; description, whether it's incoming, or the number that was dialed if it was outbound; the date; the time; duration; and charges; and the roamer system that was being used to processed calls.
Q. Okay. Do you know what the codes are for three-way calling if they're available for these mobile phones?
A. I believe it's usually 3 -- 3W.
Q. 3W; three-way?
A. Yes.
Q. Makes more sense than an "O," right? 7928

A. Yes.
Q. I'd like you to turn to Exhibit 453, please.
I'd like to show you a different format bill. Why
don't you turn to page one of the Paul Hugo account
under Tab 3.
I'll lay this on the Elmo. And these
records appear to be in a different format, correct?
A. Correct.
Q. Could you explain to us, please, just
starting at Item No. 1, what the columns mean
across?
A. Sure. It's the date; the time of the call;
the number called; the general area that the call
was placed to; quantity of minutes; the rate that
was charged; and just the charge description.
Q. And the calling plan?
A. Uh-huh, yes.
Q. Is the code for a three-way call on this
bill also □3W,□ or is that different?
A. I believe so.
Q. Okay. Could you please turn to the next
page on the Paul Hugo exhibit?
A. Yes.
Q. Are there sections of your bills which
indicate where a party may be while they're placing
phone calls using these wireless phones?
A. I don't believe on this bill.
Q. Are you looking at what I'm looking at? 7929

A. Oh, I'm sorry. Under the "Roamer Usage,"
yes, that's the detail of when you're roaming.
Sorry.
Q. Okay, I'm going to guess this means the
phone was in Brazil.
A. Correct.
Q. And on Item No. 2, does that entry mean that
while in Brazil, this number called, on March 2nd at
6:05 p.m., the phone number (201) 233-0063?
A. Yes.
Q. Okay. If I could show you just one more
format bill. Please turn to Tab 4. And is that the
service information and toll record for MJJ
Productions, Service User Miko Brando?
A. Yes.
Q. If you could turn to what is marked as page
48. I believe it's the first page in that exhibit.
A. Yes.
Q. Okay. And yet another way to track phone
calls. Is that in the same format, just spaced
differently?
A. Yes, it's the same format.
Q. And is the first group of numbers the phone
number of the user?
A. Yes.
Q. Okay. And then the fourth column in from
the left, or, actually, the next phone number you
would see would be the number dialed, correct? 7930

A. Yes.
Q. And then the date and the time entry in the middle of this bill now, right?
A. Correct.
MR. NICOLA: Okay. Thank you, Miss Mulcahy. Your Honor, I have no further questions.
THE COURT: Counsel?
MR. SANGER: No questions.
(Laughter.)
THE COURT: Doesn't get any better than that.
(Laughter.)
THE COURT: Call in your next witness. Thank you. You're excused.
MR. ZONEN: Call Deborah Rowe to the stand.
THE COURT: Come to the witness stand, please.
When you get to the witness stand, please raise your right hand, face the clerk.
///
DEBORAH ROWE JACKSON
Having been sworn, testified as follows:

THE WITNESS: Yes, I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Deborah, D-e-b-o-r-a-h; Rowe, R-o-w-e; Jackson, J-a-c-k-s-o-n.
THE CLERK: Thank you. 7931

MR. ZONEN: May I proceed?
THE COURT: You may.

DIRECT EXAMINATION
BY MR. ZONEN:
Q. Do you refer to be called Miss Rowe?
A. Debbie, please.
Q. All right. But in court, we're a little more formal.
A. Oh.
Q. In terms of surnames, do you go by Miss Rowe?
A. Yes.
Q. Do you know the defendant, Michael Jackson, seated to my right with the long, dark hair?
A. Yes, I do.
Q. How do you know Mr. Jackson?
A. We've been friends and we were married.
Q. When were you married to Mr. Jackson?
A. From 1997 to 1999.
Q. All right. We've --
A. Sorry.
Q. The acoustics are not quite what they could be in this courtroom, so you have to stay close to the microphone and keep your voice up. Is that all right?
A. Okay.
Q. All right. You were married to Mr. Jackson 7932

between which periods of time again, please?
A. I believe 1997 to 1999.
Q. For what period of time did you know Mr. Jackson prior to that?
A. Probably 20 years or more.
Q. Were you friends with Mr. Jackson?
A. Yes.
Q. Are you the mother of his two children?
A. Yes, I am.
Q. The two oldest children?
A. Yes, I am.
Q. And their names are what?
A. Michael Joseph Jackson, Jr., and Paris Michael Katherine Jackson.
Q. And when were you divorced from Mr. Jackson?
A. October -- I believe October 1999.
Q. Did you have -- did you ever live with Mr. Jackson during the course of your marriage?
A. We never shared a home.
Q. Did you live with Mr. Jackson prior to that marriage?
A. We never shared an apartment.
Q. At the time that the marriage was dissolved, was there an understanding or an agreement as to child custody?
A. I'm sorry?
Q. Was there an understanding or agreement as to child custody? 7933

A. Yes.
Q. And who had custody of the two children?
A. Michael did.
Q. Did you have visitation of the two children?
A. Yes, I did.
Q. And what was the extent of the visitation as determined by that divorce?
A. Every 45 days for eight hours.
Q. All right. Did you, in fact, see the two children every 45 days for eight hours?
A. I tried.
Q. All right. Were there difficulties in being able to do so?
A. Yes.
Q. What kinds of difficulties?
A. There were times that the children and Michael would be out of the country, and I was working at the time, and if they were in South Africa, I would not have enough time to fly to where they were and then return home in time to be at work.
Q. Were you able to make up that eight-hour period when they returned?
A. No. It was pushed off until the next 45 days.
Q. For what period of time did that continue, that custody arrangement?
A. I believe a year and a half. 7934

Q. At some point in time did you voluntarily agree to give up parental rights as to those two children?
A. Yes.
Q. And when was that, can you tell us?
A. I believe 2001.
Q. And why did you do that?
A. The visitations were not comfortable. We were hooked up at a hotel. I was -- when I would bring things to do, finger-painting, coloring or whatever, the nanny was always very concerned with the children getting dirty. I would bring T-shirts or something to put over their clothes, and the environment was very sterile. It wasn't a quality relationship.
Q. Did you ask to have more time with the kids?
A. Yes.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled. The answer was, "Yes."
THE WITNESS: I'm sorry.
THE COURT: Next question.
That's all right.
Q. BY MR. ZONEN: And was that request granted?
A. No.
Q. And tell me why you made the decision to give up parental rights as to the two children at that time. 7935

A. I didn't believe that --
MR. MESEREAU: Objection. Relevance;
opinion.
THE COURT: Sustained.
Q. BY MR. ZONEN: At some point in time -- when
was the last time that you saw the two children?
A. Two and a half, three years ago. I'm not
sure. I don't remember the dates.
Q. Did you receive a call from anybody in the
early part of February of 2003 requesting your
assistance on behalf of Michael Jackson?
A. Yes.
MR. MESEREAU: Objection; leading.
THE WITNESS: I'm sorry.
THE COURT: Overruled.
You may -- it's answered, "Yes." Next
question.
Q. BY MR. ZONEN: From whom was that telephone
call?
A. Originally --
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: I asked who it was.
THE COURT: Overruled.
You may answer as to who it was.
THE WITNESS: Originally my former boss's
partner called me and said that I needed to call my
old boss; that he needed to speak with me; that
Michael needed my help with something. 7936

Q. BY MR. ZONEN: Who was the old boss you're referring to?
A. Arnold Klein.
Q. What kind of work was that that you were doing for Mr. Klein?
A. He's a dermatologist. I was an assistant for him.
Q. For what period of time were you his assistant?
A. From 1979 to 2000 or 2001.
Q. What kind of work did you do for Mr. -- Dr. Klein?
A. I assisted him with surgeries and patients.
Q. Without getting into the content of that telephone call, did you, in fact, call Dr. Klein?
A. Yes, I did.
Q. And did you have a conversation with him?
A. Very brief.
Q. Did that conversation lead to a conversation with yet another person?
A. Yes. He wanted me to speak with Marc Schaffel.
MR. MESEREAU: Objection; hearsay.
THE COURT: Sustained.
MR. MESEREAU: Move to strike.
THE COURT: Stricken.
Q. BY MR. ZONEN: That conversation led to a conversation with yet another person; is that 7937

correct?
A. Yes, it is.
Q. Who was that person with whom you then had a conversation?
A. Marc Schaffel.
Q. Do you know Marc Schaffel?
A. Not before this conversation.
Q. Was that the first time you had ever spoken with Mr. Schaffel?
A. Yes.
Q. Prior to that conversation, did you know who he was?
A. No.
Q. Had you -- had you ever heard his name prior to that day?
A. No.
Q. Did you, in fact, call Marc Schaffel?
A. The call was placed between Dr. Klein and myself.
Q. All right.
A. I don't hand out my phone number.
Q. Ultimately, Marc Schaffel contacted you, or Dr. Klein arranged the conversation? How was that?
A. Correct. Dr. Klein arranged the conversation. I did not feel comfortable with a three-way, and told Mr. Schaffel that I would call him if he gave me his number.
Q. All right. Did Mr. Schaffel, in fact, have 7938

1 a conversation with you?
2 A. Yes, he did.
3 Q. Do you recall when that conversation took
4 place?
5 A. It was early in February, in the morning.
6 Q. And what was the nature of that
7 conversation?
8 MR. MESEREAU: Objection, hearsay.
9 THE COURT: Sustained.
10 Q. BY MR. ZONEN: Would you tell us if -- prior
11 to that conversation, were you aware of a
12 documentary that was titled, Living with Michael
13 Jackson?
14 A. No.
15 Q. Were you aware of a person by the name of
16 Martin Bashir?
17 A. No.
18 Q. As a consequence of this conversation with
19 Marc Schaffel, did you then have a conversation with
20 the defendant?
21 A. Yes.
22 Q. And how long after your conversation with
23 Mr. Schaffel was your conversation with Michael
24 Jackson?
25 A. Probably 30 minutes.
26 Q. Who called who?
27 A. They called me back, because they could not
28 get ahold of Michael immediately. 7939

MR. MESEREAU: Objection. Nonresponsive; hearsay; move to strike.
THE COURT: Nonresponsive. Who called who is the question?
MR. ZONEN: Right.
THE COURT: I'll strike the answer.
Q. BY MR. ZONEN: Were you contacted by somebody with regards --
A. Marc Schaffel, yes.
Q. Marc Schaffel called you?
A. And Ronald Konitzer.
Q. You then had a conversation with Ronald Konitzer as well?
A. For a brief moment. Michael was with him.
Q. Did Michael Jackson then get on the telephone?
A. Yes, he did.
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: What did Mr. Jackson say to you in the course of this conversation?
A. He told me there was a video coming out, and it was full of lies, and would I help. And I said, as always, yes. I asked him if he was okay. I was very upset.
Q. When was the last time you had talked with Michael Jackson?
A. The day of our divorce. 7940

Q. And how long prior to that, to this
conversation you're now referring to, was that day
of your divorce?
A. October 12th.
Q. Of what year, please?
A. .99.
Q. All right. So we're now talking about
February of 2003; is that correct?
A. Yes.
Q. Now, he asked you for some kind of
assistance; is that correct?
A. Yes.
Q. What exactly did he ask you to do, if
anything?
A. He asked if I would work with Ronald and
Dieter to help him, and I said yes. And I asked him
how he was. I asked him how the children were. And
I asked if I could see them when everything settled
down.
Q. What did he tell you?
A. He said yes.
Q. All right. Had you had any communication
with Mr. Jackson in the preceding period of time
with regards to the children?
A. No.
Q. Had you sent any letters to him at all
requesting that you be able to see them at some
point in time? 7941

A. No.
Q. Did you want to see the children?
A. Very much.
Q. All right. The conversation that you had with Mr. Jackson over the telephone, did he tell you from where he was calling?
A. No. I was told by Marc that they had to call Europe.
MR. MESEREAU: Objection. Hearsay; nonresponsive; move to strike.
THE COURT: It's nonresponsive. Stricken.
Q. BY MR. ZONEN: You had mentioned that Ronald Konitzer had called back; is that correct? Did I get that right?
A. Marc Schaffel called me back. Ronald had called Marc, or Marc had called Ronald. I don't know who placed that call.
Q. At some point in time you actually spoke with Ronald Konitzer?
A. Yes.
Q. Did you know Mr. Konitzer prior to that day?
A. I think I met him years ago when Michael was on tour. I don't -- he said that I had met him. I didn't remember. I didn't have a face and I didn't recognize the voice.
Q. All right. And did you carry on -- without getting into the content of the conversation, did you, in fact, have a conversation with Mr. Konitzer 7942

1 before your conversation with Michael Jackson?
2 A. He just said, "Michael needs your help" --
3 MR. MESEREAU: Objection. Nonresponsive;
4 hearsay.
5 Q. BY MR. ZONEN: The question is "yes" or
6 "no."
7 A. Yes.
8 THE COURT: Sustained.
9 THE WITNESS: Sorry.
10 Q. BY MR. ZONEN: The conversation that you had
11 with Michael Jackson was approximately how long in
12 length?
13 A. Two and a half minutes, maybe.
14 Q. Were you at home at that time?
15 A. Yes, I was.
16 Q. You said that you had asked him how he was
17 and how the children were?
18 A. Yes.
19 Q. What did he tell you specifically about
20 the -- whatever it was, the performance that was
21 coming on television or the documentary, how did he
22 describe it to you?
23 MR. MESEREAU: Objection. Leading and
24 assumes facts not in evidence.
25 THE COURT: Sustained as to assuming facts.
26 Q. BY MR. ZONEN: What did he tell you about
27 what was going to happen?
28 A. That there was a bad video coming out. I 7943

did not -- he didn't go into any more detail about that.
Q. Did you ask him what it was about?
A. No.
Q. Did you ask him if it dealt with him personally, Mr. Jackson?
A. I assumed it did.
Q. Okay. Now, he asked you for some assistance; is that correct?
MR. MESEREAU: Objection; asked and answered.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: And did he describe to you in any detail or particularity what it was he wanted you to do?
A. No, he did not.
Q. Okay. Did he tell you to follow anybody's direction?
A. He asked me --
MR. MESEREAU: Objection; leading.
THE WITNESS: I'm sorry.
THE COURT: Sustained.
Q. BY MR. ZONEN: What did he tell you to do?
A. He asked me to work with Ronald, Dieter and Marc.
Q. All right. You just told us about Ronald. 7944

Is Dieter somebody you knew prior to that day?
A. I don't remember.
Q. Do you know Dieter's last name?
A. Weizner or Weizer.
Q. Okay. And you don't recall at this time whether you had ever met him prior to that date, the time of that phone call?
A. No.
Q. Now, did you ask any directions as to how you were going to work with him or what you were going to do?
A. I told them that I needed a release of confidentiality, and that until that was done, I wouldn't be able to do anything.
Q. You told Mr. Jackson that?
A. No, I'm sorry, I told Marc Schaffel, Dieter and Ronald.
Q. All right. Let's go back to the conversation again with Mr. Jackson --
A. Okay.
Q. -- before you hung up the phone or before your telephone conversation ended. You said specifically about the children. Tell me what it was that he told you about the children with regards to visitation.
MR. MESEREAU: Objection; asked and answered.
THE COURT: Overruled. 7945

You may answer.
Q. BY MR. ZONEN: Go ahead.
A. When -- when -- I said, "Are you" -- "Are you okay? Are the children okay?" And he said, "Yeah, we're okay." And I said, "Can I see you when everything -- and the children when everything is over with?" And he said, "Yes."
Q. Did you want to see Mr. Jackson and the children?
A. Absolutely.
Q. Did he give you any other direction as to when that might be?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. ZONEN: Did that conversation end at that time, or was there anything else that you discussed in the course of that conversation?
A. Michael and I?
Q. Yes.
A. No, we didn't discuss anything else. The phone was handed back to Ronald.
Q. All right. Your conversation then continued with Ronald?
A. Correct.
Q. All right. What was asked of you at that point by Ronald? 7946

MR. MESEREAU: Objection; hearsay.
MR. ZONEN: As explaining her conduct thereafter, not for the truth of the matter.
THE COURT: All right. I'll allow the hearsay for that limited purpose.
Q. BY MR. ZONEN: What was explained by Ronald thereafter?
A. That they were going to do a special - I don't know if they used the word □rebuttal□ - to counter whatever this video was.
Q. And what was asked of you?
A. Would I help.
MR. MESEREAU: Objection; assumes facts not in evidence.
THE COURT: Sustained.
MR. MESEREAU: And leading.
Q. BY MR. ZONEN: Was anything said by Mr. Weizner as to your involvement?
A. What -- I don't understand. What do you mean by that?
Q. Well, in the telephone call that continued -- maybe I'm confused. Was it Konitzer or was it Weizner?
A. Konitzer.
Q. It was Konitzer, all right. Ronald Konitzer. What exactly was it that Mr. Konitzer then said to you about what you were supposed to do?
MR. MESEREAU: Objection; hearsay. 7947

THE WITNESS: To --
MR. MESEREAU: Assumes facts not in evidence.
MR. ZONEN: Again, to explain --
THE COURT: Sustained.
Q. BY MR. ZONEN: Was there a conversation with Mr. Konitzer at that point about anything that you were then going to do?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
MR. ZONEN: That was overruled?
THE COURT: Yes.
Q. BY MR. ZONEN: Go ahead and answer.
A. What was the question? I'm sorry.
THE COURT: I'll have the court reporter read it back to you.
THE WITNESS: Thank you.
(Record read.)
THE WITNESS: I was supposed to work with Marc Schaffel, and that was when I told them that we had to have the paperwork done --
MR. MESEREAU: Objection; nonresponsive.
THE COURT: The second part of the answer I'll strike. Leave the first part in.
Q. BY MR. ZONEN: All right. With regards to working with Marc Schaffel, was there any other statement that was given to you by Mr. Konitzer at that time? 7948

MR. MESEREAU: Objection; leading.
MR. ZONEN: Hardly suggests the answer.
THE COURT: Overruled.
You may answer.
THE WITNESS: That I would be working with
Marc on whatever project that had been decided.
Q. BY MR. ZONEN: All right. Did you, in fact,
then have a conversation with Marc?
A. Yes.
Q. When did that conversation take place? Marc
Schaffel.
A. After the connection was broken between
Michael and Ronald and myself.
Q. That same day?
A. It was the same conversation. Marc had us
on two lines. So when he hung up the one line, Marc
and I were still on another line.
Q. Was Marc Schaffel part of the conversation
that you had with -- in other words, was it a
conference call between Marc and you and Ronald
Konitzer?
A. Correct.
Q. So he was privy to the conversation that was
taking place at that point?
A. He set it up.
Q. All right. Was he part of the conversation
while you were talking with Mr. Konitzer? In other
words, did he periodically say things as well? 7949

A. I don't remember.
Q. What did Mr. Schaffel want you to do?
MR. MESEREAU: Objection. Hearsay; assumes facts not in evidence.
MR. ZONEN: Same exception.
THE COURT: Foundation, sustained.
Q. BY MR. ZONEN: In the course of this conversation, did Mr. Schaffel make requests of you?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Nothing specific. I couldn't discuss anything at that point.
Q. BY MR. ZONEN: Did you advise him that you needed to do something?
A. Yes.
Q. And what was that?
A. We needed to agree on a confidentiality release between Michael and myself.
Q. Was there such an agreement that you had between you and the defendant?
A. Eventually.
Q. Well, prior to this conversation, was there some kind of a confidentiality contract that you had with Mr. Jackson?
A. Yes.
Q. And when did you and Mr. Jackson enter into that agreement? 7950

A. At the time of our divorce.
Q. And did that restrain you from having conversations with people about something or other? What did it restrain you from doing, this confidentiality agreement?
MR. MESEREAU: Objection. Foundation; leading; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you know what the confidentiality agreement was? Have you ever read it?
A. Yes.
Q. And you read it at or about the time that you entered into this divorce with Mr. Jackson?
A. Yes, I did.
Q. All right. Did that confidentiality agreement keep you from doing something?
A. Yes, it did.
Q. What did it keep you from doing?
MR. MESEREAU: Objection. Foundation; leading; relevance.
THE COURT: Overruled.
You may answer.
MR. MESEREAU: 352.
Q. BY MR. ZONEN: Go ahead and answer the question.
A. The confidentiality agreement said that I could not speak with the press, public, anyone, 7951

regarding Michael or the children or our lives together.
Q. Were you able to get an exemption from that agreement?
A. Yes.
Q. Did you have an attorney working on that?
A. Yes.
Q. What is your attorney's name?
A. Iris Joan Finsilver, F, as in Frank, i-n-s-i-l-v-e-r.
Q. Has Miss Finsilver been your attorney for some time?
A. Yes.
Q. Did she represent you in your divorce with Mr. Jackson?
A. Yes, she did.
Q. Ultimately when that exemption was executed, were you then able to speak with Mr. Schaffel about what you were expected to do?
A. Yes.
Q. And what was it that you were expected to do?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: All right. Did you have a conversation with Mr. Schaffel after the execution of this exemption? 7952

A. Yes.
Q. All right. In the course of that conversation, were you told things by Mr. Schaffel with regards to doing something on behalf of Michael Jackson?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: What did Mr. Schaffel tell you in this conversation?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: For the same exception.
THE COURT: All right. Overruled.
Q. BY MR. ZONEN: Go ahead.
A. That we would be doing an interview.
Q. Did he tell you where or when?
A. He said that it would probably be at his home in Calabasas and within two or three days of when everything was settled.
Q. All right. Now, when was it exactly that you had this conversation with Mr. Schaffel about doing the interview relative to this first phone call from Mr. Jackson?
A. Do you mean when we were going to do it? Or when we scheduled it?
Q. When you scheduled it.
A. We didn't schedule it till after the documents had been signed.
Q. Okay. And how long did that take before you 7953

were able to create and sign documents?
A. I would like to say that it was probably only two days. It seemed a lot longer. There was a lot of faxing back and forth.
Q. Was there some urgency in doing it soon?
MR. MESEREAU: Objection; leading.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did anybody ask you to do it at a particular time?
A. Mr. Schaffel.
Q. What did he say with regards to that?
A. As soon as he could arrange --
MR. MESEREAU: Hearsay.
MR. ZONEN: Same exception.
THE COURT: Overruled.
You may answer.
THE WITNESS: As soon as he could arrange to have whatever he needed, I believe, for the interview.
Q. BY MR. ZONEN: And was there a date finally set for the interview?
A. Yes.
Q. Do you know what that date was?
A. I don't know exactly. Beginning of February, I believe.
Q. Are you aware as to when or if the screening of Living with Michael Jackson ever actually aired in the United States? 7954

A. I know that it aired. I don't know when it aired. I didn't watch it.
Q. Do you know when, relative to the airing of that production, your interview took place?
A. I know in relation to when it took place in Europe, but not here.
Q. When did it take place relative to the European airing?
A. The day before I gave my interview.
Q. Did that interview take place at Mr. Schaffel's residence?
A. My interview?
Q. Yes, your interview.
A. Yes, it did.
Q. Can you tell us who was present during that interview?
A. Hamid, who is Michael's photographer; Rudy; Christian; Marc; Stuart Backerman, who I think was Michael's PR person; and Iris came with me.
Q. Up until the time that you arrived at Mr. Schaffel's home to do this, had Mr. Schaffel told you that you would get any benefit from doing this interview?
MR. MESEREAU: Objection. Leading and hearsay.
MR. ZONEN: I'm sorry?
THE COURT: Sustained.
Q. BY MR. ZONEN: Were you going to be paid for 7955

this interview?
A. No.
Q. Were any promises made at all?
A. Just that I --
MR. MESEREAU: Objection. Leading and
hearsay.
THE COURT: Sustained.
MR. MESEREAU: And vague.
THE COURT: Hearsay, sustained. Hearsay.
MR. ZONEN: On hearsay. We would offer it
again as to tending to explain her actions and her
response, and not for the truth of the matter
stated.
THE COURT: The objection's sustained.
Q. BY MR. ZONEN: Did anybody offer you
anything in response to your doing this?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Do you mean quid pro quo?
Q. BY MR. ZONEN: Yes.
A. No, I was excited to see Michael and the
children when all this was over.
Q. Why did you do this interview?
A. I promised him that I would always be there
for him and the children.
Q. Did anybody mention your children in the
course of either doing this interview or leading up 7956

to the interview?
MR. MESEREAU: Objection. Asked and
answered and leading.
THE COURT: Overruled.
Q. BY MR. ZONEN: You can answer that question.
A. Can you explain what you mean?
Q. Did anybody mention anything about your
children with regards to -- relative to this
interview --
MR. MESEREAU: Objection.
Q. BY MR. ZONEN: -- leading up to the
interview or during the course of the interview?
MR. MESEREAU: Vague; compound; and leading
and foundation.
THE COURT: Rephrase. It's an extended
question now.
Q. BY MR. ZONEN: All right. Specifically,
you had conversations with Mr. Schaffel, did you
not --
A. Yes.
Q. -- prior to the interview?
A. Yes.
Q. Did you have a number of conversations prior
to the interview?
A. No.
Q. How many conversations did you have with him
prior to the interview?
A. One to set up the day and time, and one for 7957

directions on how to get to his house.
Q. All right. Prior to actually arriving at his house, did he talk to you about your children at all?
A. He said the kids were fine; that Michael was going to be okay.
Q. All right. Did he make any representations to you about visitation?
MR. MESEREAU: Objection. Leading; foundation; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: When I expressed excitement for seeing the children and for seeing Michael again and possibly reconnecting, he seemed to be very happy.
Q. BY MR. ZONEN: All right. During the course of your being at the house conducting this interview, did you talk with Mr. Schaffel any further about your children?
A. Yes.
Q. All right. What did he say with regards to your children while you were at his house?
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: Same exception.
I will add also it's a statement in furtherance.
THE COURT: I reject that as a reason, but let me look. 7958

All right. I'll allow the question for the limited purpose of explaining her action after that.
Do you want the question read back?
THE WITNESS: I can't see that far, yes, please.
THE COURT: Okay.
(Record read.)
THE WITNESS: That they were fine; that Michael was going to be okay; that it was -- he was happy for me that we were all going to get to see each other again, and how big the kids have gotten, and how beautiful they were, and how strong-headed Paris is and -- about like me.
Q. BY MR. ZONEN: What was your expectation with regards to your children in terms of your completing this interview?
MR. MESEREAU: Objection. Leading; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you have any expectations with regard to your kids at all?
MR. MESEREAU: Objection; leading.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. ZONEN: What was that? What were your expectations?
A. To be reintroduced to them and to be reacquainted with their dad. 7959

Q. You wanted to be reacquainted with Mr. Jackson as well?
A. Yes.
Q. Why?
A. He's my friend.
Q. Let me ask you about the interview. For what period of time were you at Mr. Schaffel's home?
A. I was at his house about ten and a half hours, but the taping was about nine.
Q. Was your attorney with you?
A. Yes.
Q. The entire time?
A. She stayed downstairs when Ian Drew arrived. And I was concerned about someone being able to say that --
MR. MESEREAU: Objection. Nonresponsive and hearsay.
THE COURT: Sustained.
Q. BY MR. ZONEN: The question was whether or not she was there the entire time. Was there a period of time --
A. She was in the house.
Q. Okay. She was in the house, but at some times not with you?
A. Correct.
Q. All right. Now, prior to the start of this interview, had you talked with anybody about the content of this interview, in other words, what was 7960

going to be asked of you?
A. No.
MR. MESEREAU: Objection. Assumes facts not in evidence, leading and foundation.
THE COURT: Overruled.
Do you want the question read back?
THE WITNESS: No. No, I did not want that.
Q. BY MR. ZONEN: Did you know what it was you were going to be saying?
A. No.
Q. Did you know what it was -- the questions, what questions would be asked of you?
A. No.
Q. Did you know whether or not it had anything to do with this video or this television show?
A. All I knew, it was whatever was being put out about Michael could be hurtful to him and the children, and I don't know if I was supposed to run interference. I don't know what the basis was for my interview.
Q. Did you ask him about the content of the television show?
A. No.
Q. Did you ask anybody about the content of the questions that would be put to you?
A. Absolutely not.
Q. Did you know that it would be questions put to you? In other words, it would be in the format 7961

of an interview?
A. Yes.
Q. Who had told you that?
A. Mr. Schaffel.
Q. Who was present at the time when this interview commenced?
A. Iris. Stuart. Rudy. Christian was in and out. It was either Christian or Rudy that was in and out. Marc. Myself. And Ian Drew.
Q. Iris is Iris Finsilver, your attorney?
A. Yes.
Q. Stuart is who?
A. Stuart Backerman, I was told, was a spokesperson for Michael.
Q. Had you ever seen Mr. Backerman prior to that day?
A. No.
Q. Had you ever heard his name prior to that day?
A. No.
Q. Were you introduced to him that day?
A. Yes.
Q. Did you actually have a conversation with him?
A. Nothing other than, ?Nice to meet you,? and very casual. Nothing important to say.
Q. You said Rudy. Who is Rudy?
A. He was Marc's go-fer boy. 7962

MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
Q. BY MR. ZONEN: Marc's -- say that again?
A. Go-fer boy.
Q. Go-fer? Somebody who did things for Mr. Schaffel?
A. Yes.
Q. Do you know Rudy's last name?
A. No, I don't. I'm sorry.
Q. Do you recall if you were told his last name at any time?
A. No, I was -- I was introduced to everyone on a first-name basis. I knew Hamid from before.
Q. All right. Rudy was or was not somebody you knew prior to that day?
A. No.
Q. Christian, if I'm reading my handwriting correctly --
A. Yes.
Q. -- was the name you mentioned?
A. Yes.
Q. Was Christian somebody you knew prior to that day?
A. No.
Q. Was his name given to you at that time?
A. I don't remember if I was introduced to him or if someone had said, "Christian will get it." I knew it was his name, because -- I don't remember 7963

being formally introduced to him.
Q. All right. You don't recall an acquaintance with him prior to that day?
A. No.
Q. You mentioned Ian Drew.
A. Yes.
Q. Who is Ian Drew?
A. He was someone that was going to interview me.
Q. And was he somebody you knew prior to that day as well?
A. No.
Q. Did you have any preliminary conversation with him prior to the commencement of this interview?
A. Absolutely not.
Q. Was that by your choice?
A. Yes.
Q. And why is that? Why was that?
MR. MESEREAU: Objection. Foundation; 352; leading.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Go ahead.
A. Because I didn't want anyone to be able to come back to me and say that my interview was rehearsed, that someone told me what to say.
Mr. Jackson knows no one can tell me what to 7964

say. I tend to speak my own mind, and I didn't want the interview to be construed as something other than what it was, which was a cold interview.
Q. At some point in time, were you given any kind of a list of questions?
MR. MESEREAU: Objection.
THE COURT: Overruled.
THE WITNESS: It was offered to me and I declined it.
Q. BY MR. ZONEN: All right. Who offered you the list?
A. Ian Drew.
Q. Why did you decline it?
A. Again, it was a cold interview, and I wanted to keep it that way.
Q. Was anyone else in the room during the course of the interview?
A. Everyone was. Rudy and Christian were in and out, but the main people who were there was Hamid, Iris, Stuart, Marc and myself.
Q. All right.
A. And Ian.
Q. Did you know Hamid prior to that?
A. Yeah, I did.
Q. Was that Hamid Moslehi?
A. Yes.
Q. And you recognized him when you got there?
A. Oh, yes. 7965

Q. He had been Mr. Jackson's videographer for some time?
A. Yeah, for a long, long time.
Q. Was the location of this interview in Calabasas, California?
A. Yes.
Q. Do you happen to know the date?
A. It was the day before that documentary was to air. I don't know the date.
Q. Miss Rowe, in the course of the interview that took place, I think you said over about the next nine hours --
A. Yes.
Q. -- were you truthful in the answers that you gave?
A. Can you rephrase that?
Q. Did you tell the truth? Did you answer all those questions truthfully and honestly?
A. No.
Q. All right. Why is that?
MR. MESEREAU: Objection. Foundation; opinion; relevance.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Why is that?
A. Because my personal life is my personal life and no one's business. And it pretty much doesn't matter. I could call something black. In the 7966

media, it will be called white.
Q. Do you remember the questions that you were asked?
A. Not all of them.
Q. Do you remember some of the questions that you were asked?
A. I would have to see the tape again.
Q. Did you have an opportunity to review the tape recently?
A. Yes.
Q. All right. How many hours of tape did you review?
A. To scan over? It was probably two and a half hours of it, but I wasn't really paying attention. I found myself very boring and dull.
Q. Do you mean as the subject matter of the tape?
A. Yeah.
Q. It went for, I think you said, about two and a half hours?
A. That I -- that I saw, I think it was a three-hour tape, but I didn't watch the entire video.
Q. Do you have a belief as to whether or not it was an edited version of what had taken place?
A. It had to be. It was a nine-hour interview. And if there's only three hours, there's six hours someplace. 7967

Q. Were you asked questions about Mr. Jackson?
A. Yes, I was.
MR. MESEREAU: Objection. Leading; hearsay.
THE COURT: Overruled.
Q. BY MR. ZONEN: What questions that were asked of you about Mr. Jackson did you not give honest answers to?
A. Can you be more specific?
Q. I can. Did he ask -- were you asked questions about Mr. Jackson and his parenting of your two children?
MR. MESEREAU: Objection. Leading; move to strike.
THE COURT: Overruled.
Q. BY MR. ZONEN: Did you understand the question? Would you like to hear it again?
A. Yes, I was asked the question.
MR. ZONEN: May the court reporter repeat the question, Your Honor?
THE COURT: I think she understood the --
THE WITNESS: I understood the question, and I said, "Yes."
MR. ZONEN: Oh, I'm sorry.
THE COURT: She answered your question.
MR. ZONEN: I'm sorry.
Q. Were those the questions, or among the questions, that you did not answer honestly?
MR. MESEREAU: Objection; leading. 7968

THE COURT: Overruled.
You may answer.
THE WITNESS: Yes.
Q. BY MR. ZONEN: When was the last time you had actually seen Mr. Jackson related to your two oldest children?
A. The day that we signed our divorce papers.
Q. Did you have any information at all about his parenting skills with your children?
A. Just -- yes, I did. I -- when I was seeing the children, I spoke with the nannies before we divorced. I saw him with the children. I've seen him with the kids the whole time I've known him.
THE COURT: Counsel, we'll take our afternoon break.
Before we break, I just want to ask you a question, Mr. Sanger.
MR. SANGER: Yes, sir.
THE COURT: Would you stipulate that the phone records could be released so they can be redacted as I ordered?
MR. MESEREAU: Yes, sir.
THE COURT: All right. I'll release the phone records that went in evidence today to the District Attorney so they can be redacted and returned to the Court immediately.
MR. SANGER: I take it they'll give me the copy of the redacted -- 7969

THE COURT: And you're ordered to give the defense a copy of the redaction.
Thank you. We're in recess until tomorrow morning. And I'll see you at 8:30.
MR. NICOLA: Mr. Sanger -- can we talk with him for a second?
MR. SANGER: If the Judge wants us.
(The proceedings adjourned at 2:30 p.m.)
--o0o--

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 7812 through 7970 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on April 27, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, April 27, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER